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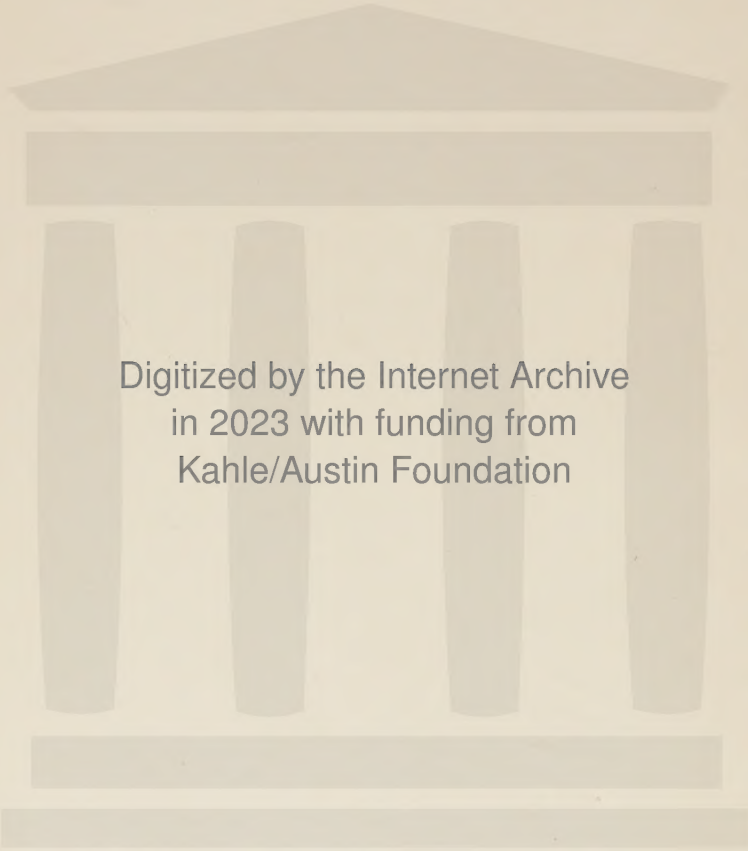
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BRITISH
BOROUGH CHARTERS

1216-1307

CAMBRIDGE UNIVERSITY PRESS

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BRITISH BOROUGH CHARTERS 1216-1307

EDITED BY

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CAMBRIDGE
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1923



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PREFACE

ADOLPHUS BALLARD, who died in 1915 at the early age of forty-eight, was a conspicuous instance of single-minded and fruitful devotion to a chosen study. The son of an alderman of Chichester, and himself for many years town clerk of what he liked to describe as the smallest borough in England, his innate zest of inquiry naturally turned to the field of town history. It was quickened and widened by the striking results of the researches of Gross, Maitland and Miss Bateson into municipal origins in this country. After preparing the ground by a series of studies and articles, he published in 1913 his *British Borough Charters 1042-1216*, which established him in the position of leading authority on early municipal growth in the British Isles. A further volume, to extend to the end of the reign of Edward I was projected and by the time of his death about nine-tenths of the charters had been copied and typed. A few notes and textual corrections were made, provisional dates were affixed to the undated charters and the position of each clause in his subject classification was indicated on the slips, but the introduction still remained to be written and the tables of sources and contents to be drawn up. A page or two of rough jottings was the only guide left to the very varied and widely scattered sources from which he had drawn the charters.

The work of editing these imperfect materials was, in the first place, entrusted to Mr F. W. Cuthbertson, who had given Mr Ballard some assistance in his lifetime. In the scanty leisure of the war years he prepared about half the slips for the press, collected some additional charters, and made a first rough draft of the Table of Sources. On the return of peace, however, he was called abroad and had to lay down his task. After some further delay, I undertook in the spring of 1921 to carry the work to completion. Unable to consult with my predecessors, I have been forced to retrace much of the ground they had covered, but though this has entailed another postponement of publication, it has made possible a full revision of the material by a single hand. A number of new charters have been included and the original Latin of those of Bakewell and Bridgetown Pomeroy has been obtained. As

regards charters in the strict sense, the collection is as nearly exhaustive as it was possible to make it. The dating of undated charters has, in every case, been carefully reconsidered. For the introduction (except the Table of Sources) I am solely responsible.

It has seldom been necessary to revise Mr Ballard's classification of a clause, and his preference of the spelling "guild" to "gild" has been respected, though the latter is now generally adopted.

Mr Ballard's method of breaking up the charters and re-arranging their clauses under subject headings has been a good deal criticised, and it is no doubt open to some obvious objections. It is far from the most convenient arrangement for the study of individual charters, though the difficulty is mitigated by the Tables of Sources (p. xxv) and of the Contents of Charters (p. xc). But this disadvantage is outweighed by more important considerations. Apart from the practical impossibility of printing in full so large a body of charters, many of which more or less repeat one another, the student of general municipal growth, whose needs are kept primarily in view, would in that case have to make some such re-arrangement as Mr Ballard's for himself, a wasteful expenditure of time and labour. For uniform and (what we consider) logical arrangement is conspicuously lacking in this class of document.

No attempt has been made in the introduction to pursue the study of foreign parallels to English municipal growth which formed a valuable feature of the first volume. Such a comparison for the thirteenth century would have required more time than I could dispose of, but a suggestion is thrown out (p. lxxiv) that foreign influence was more extensive in this century than has been suspected.

Mr Ballard left no record of those who had helped him in the collection of charters for this volume, and it is therefore only possible to make a general acknowledgement. I have myself to express my thanks to the large number of persons, to many of whom I was a stranger, who have given me ungrudging assistance in my task. Mr John Brownhill has made a long series of transcripts for me, chiefly in the Public Record Office, with his accustomed care. To the Marquis of Granby I am indebted for a photograph of the Bakewell charter and to Mr John Scanes of Maiden Bradley, Wilts., for one of the Bridgetown Pomeroy chirograph. Canon Foster of Lincoln very kindly copied for me the Cambridge charter of 1227 in the archives of that city. My thanks are also due to Mr J. H. Rothwell, town clerk of Chesterfield, for the facilities afforded me when there to correct from the original charter of 1294 the

very corrupt text published by the late Mr Pym Yeatman. Mr W. St Clair Baddeley of Painswick kindly lent me his transcripts of the two Berkeley charters, Mr H. L. Bradfer-Lawrence of King's Lynn a roll of the customs of the borough of Castle Rising, and Mr G. A. Dunlop, curator of the Warrington Museum, the charters of that town. To Sir Henry Maxwell Lyte I am indebted for the opportunity of correcting the bad eighteenth century transcript of the Dunster charter printed by Miss Bateson (*Eng. Hist. Rev.* xvii, 288) from a copy of the fourteenth century subsequently discovered. Others who have given me help for which I am very grateful are: Messrs C. G. Crump and V. H. Galbraith of the Public Record Office, Mr Strickland Gibson of the Bodleian Library, Dr Hearnshaw of King's College, London, Dr J. W. Horrocks of Southampton, Mr W. G. Collingwood of Conis-ton, Professor W. J. Harte and Miss Ruth Easterling of Exeter, Mr Henry Taylor of Chester, Mr T. Pape of Newcastle-under-Lyme, Dr R. L. Poole of Oxford, Dr W. Farrer of Witherslack, and Mr W. Page, formerly editor of the *Victoria County Histories*.

JAMES TAIT

MANCHESTER,
June, 1923

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LIST OF ABBREVIATIONS

- B.C.* Miss Bateson's *Borough Customs*.
C.C.R. *Calendar of Close Rolls*.
C.Ch.R. *Calendar of Charter Rolls*.
C.P.R. *Calendar of Patent Rolls*.
D.B. Domesday Book.
E.H.R. *English Historical Review*.
H.E.L. Pollock and Maitland's *History of English Law*.
P.Q.W. *Placita de Quo Warranto*.
V.C.H. *Victoria County History*.

INTRODUCTION

I. PRELIMINARY

1. *The Borough Charter of the Thirteenth Century*¹

IN the twelfth and thirteenth centuries the boroughs of the British Isles were in their active and energetic youth. New foundations abounded. It was the first age of charters and the number and variety of these attest the vigour with which the blood coursed in their veins. Some 330 charters and cognate documents, which can be dated before the death of king John, were included by Mr Ballard in his first volume, the period of rather less than a century which followed has yielded a collection outnumbering that figure by at least a hundred. This increase is the more marked because the first ten years of Henry III's reign are a complete blank, as far as royal charters are concerned. It was not until the young king declared himself of age at the opening of 1227 that the floodgates were opened. The Charter Roll of that year, the first of the reign, records no less than twenty-five charters to boroughs, many of them in pairs, beginning on January 30 with a grant to bishop Poore's new borough at Salisbury, and the stream continued to flow at an abnormal but gradually lessening pace for some years. There was a rush to secure confirmation of the liberties obtained from earlier kings and most of the charters granted in these years were regrants, with or without a reference to the charter (or charters) confirmed, or confirmations by *inspeximus* of previous charters. This latter method, rare at first (Bristol was the first borough to secure an *inspeximus*, 1 May 1227), soon became the regular form of confirmation. The last case of regrant—an isolated one—occurred in 1272. By 1307 over a hundred confirmations in one or other of these two forms had been granted. In a few cases, one or more new clauses were appended to the confirmation.

All this renewal and inspection of former concessions brought in grist to the royal mill in the shape of heavy fees and the apparent eagerness to secure them at the formal opening of the new reign was undoubtedly stimulated from above². Some thirty years later the coincidence of Henry's greatest liberality in new grants in 1255-7, when he bestowed nearly fifty charters upon rather more than half that number of

¹ For a full description of the normal form of a charter, of the distinction between charters of grant, regrant and *inspeximus*, and of the purposes that may be served by a wide comparison of contemporary charters, see Mr Ballard's introduction to vol. 1.

² *E.H.R.* XXIII, 221.

boroughs in less than two years, with the period of his direst need just before the baronial revolution, has a significance that cannot be mistaken. The wholesale distribution of so important a privilege as the return of writs speaks eloquently of the royal necessities.

So many of the larger boroughs had now obtained practically complete independence of the county organization around them, becoming, as we should say, county boroughs, that, apart from political disturbances, the grant of charters on the old lines of "liberties" or exemptions inevitably slowed down. Henry III issued but few in his later peaceful years, the most important being the London charter of 1268, the privileges of which were extended by his son to the three Dorset boroughs of Melcombe, Lyme and Nova Villa. Edward's grants comprised a much higher proportion of mere charters of *inspeximus* than before. His chief contribution to municipal development was subsidiary to his policy of union within the four seas and his charters to Welsh boroughs and to Berwick-on-Tweed (copied in part from that of Kingston-on-Hull) ran on familiar lines.

Generally speaking, the royal charters to boroughs in the thirteenth century show an increasing tendency towards uniformity of privilege and phrasing which has saved many pages of print in the present volume. A chancery will always develop set forms, if only to ease its own labour. Perhaps the most striking case of identical drafting is that of the numerous charters which protected burgesses and their goods from arrest for the debts of their fellow-townsmen¹. The wording of the single clause is nearly always the same, though in a few cases the qualification is omitted. This tendency makes what, at first sight, might seem slight variations in other clauses (*e.g.* that granting return of writs) more interesting and deserving of study. A curious feature of the outburst of charter-giving just before the Barons' Wars is the frequency with which the privileges just mentioned and certain others were granted to a borough in two separate charters, often of identical date and with the same witnesses, without any obvious reason for the division. This has sadly puzzled local antiquaries who were unaware that it was not an isolated phenomenon of their own town. Messrs King and Watts in their *Municipal Records of Bath* were driven to suggest that one of their charters was an after-thought or the other, of which they have not the original, a forgery. In this case, and commonly, the *non-arrestetur* clause has a charter to itself and this might be thought to be due to the fact that it had already been granted separately to several communities before the bestowal of the other privileges began. Unfortunately for this explanation, the clause is sometimes combined with others in the same charter and the

¹ See IV E 2.

distribution of clauses between the pairs of charters shows other variations. Perhaps there was no more recondite reason for the separation than the royal desire to exact double fees.

The proportion of documents other than charters is rather larger in this volume than in the first. Letters patent, though less solemn than charters, and normally used for grants of a temporary nature, such as the right to collect murage or tolls for the repair of the town walls, were already employed for the gift of permanent privileges. The right of having coroners was usually given by charter, but in 1252 Newcastle-on-Tyne received it by letters patent. This source has, however, been chiefly drawn upon for royal orders throwing light upon the relations of university and town at Oxford and Cambridge. The entry of *inspeximus* and confirmation of charters upon the patent rolls did not begin until the next age.

Two of the three documents in this volume which throw most light upon the life of the towns under royal lordship in the thirteenth century, the Latin ordinances of Grimsby (1258) and the French ordinances of Great Yarmouth (1272), though entered on the Charter Rolls, are not charters at all, but the one a confirmation of the settlement of local disputes mediated by one of the king's judges and the other a record and notification of municipal legislation.

The charters of mesne lords to their boroughs show a much greater variety both in form and substance than those emanating from the royal chancery. Many of the privileges extended to mesne (or seignorial) boroughs were enjoyed by prescription in the greater towns. Some of the charters given to the former, for example, the Salford group, are of the nature of brief custumals. The remarkable charter, if it should not rather be called ordinance, of Edmund earl of Lancaster to Leicester in 1277 is an important piece of local legal reform. Other charters approximated in varying measure to the royal type. An interesting set of charters of the more regular kind is that conferred upon the Cornish boroughs by Henry III's brother Richard earl of Cornwall and (from 1257) king of the Romans. For such charters, whether of creation or of further privilege, royal confirmation was not necessarily sought. Two of earl Richard's charters, those to Bodmin and Camelford, are only known through *inspeximus* by the crown, but of the like confirmation there is no trace in the other cases before the fourteenth century. Richard le Poore, bishop of Durham, secured the royal approval of his charter (1230) to Hartlepool, a twelfth century borough, as he had obtained it three years before for New Salisbury in his previous diocese, but his fellow prelate, the bishop of Winchester, does not seem to have deemed it necessary to get similar confirmation of his charter to Farn-

ham (1247). Where the burgesses and their immediate lord could not agree about their liberties, an equivalent of a new charter from the lord and a confirmation by the king combined was sometimes secured by an agreement or "final concord" in the royal court. This was certainly the history of the Wycombe fine (1226) and that of Reading (1254), the first of which was enrolled on the Charter Rolls in 1237, and it may also have been the history of the Chesterfield fine (1226-7), though its wording does not contain such clear evidence of preceding disputes.

In deciding what charters could claim a place in the first volume, Mr Ballard adopted the "hard and fast standard" of including "no charters except those relating to places which within our period were styled cities or boroughs in documents emanating from the Chancery or from their lord, or whose inhabitants are called citizens or burgesses in such documents." This course had the advantage that it dispensed him from facing the difficult problem of the exact definition of a borough at the outset, but it only postponed the evil day. Among the charters which were ruled out was that by which John in 1208 granted "to our freemen of Kingston (on Thames) our town (*villam*) of Kingston with all its appurtenances" in fee farm for ever. Now, to begin with, though many a rural manor was farmed by the men of the manor, Maitland at least was very doubtful whether a perpetual lease was ever given in such a case. His view seems to have been that a grant in fee raised a strong presumption that the place had pretensions to be called a borough. Mr Ballard did not consider the matter from this standpoint, and, indeed, admitted that Kingston was termed a borough in the middle of the reign of Henry III. The real difficulty is that in this he was almost certainly mistaken. We have failed to find a single reference to a borough or burgesses of Kingston in mediaeval documents, and down to 1835 the official style continued to be: "the bailiffs and freemen of the town of Kingston." Yet there can be no doubt that in everything but name it was a borough already in the thirteenth century. In 1256 Henry III granted "*liberis hominibus nostris de Kyngeston*" in perpetuity the return of writs and other privileges which he was showering on undeniable boroughs at that time, along with the right to elect coroners to make attachments of pleas of the crown within the town (*villam*), and a merchant guild "as they already had it and as our men of Guldeford have it." In 1311 and 1313 and again in 1373 the town was treated as a borough in being called upon to send burgesses to parliament. It seems, therefore, impossible to exclude the charter of 1256 from a collection of borough charters of the thirteenth century.

The existence of a borough which was not (in name) a borough raises interesting questions. How is such a portent to be accounted for,

and did it stand alone? The explanation cannot be found in the loose usage even of the royal chancery in frequently substituting "homines" for "burgenses" and "villa" for "burgus" in the case of undoubted boroughs. In the Kingston instance the practice is too consistent and it is always "*liberi homines*."

A glance at the plan of Kingston in the report of the Municipal Corporation Boundaries Commission of 1835, and a perusal of the description of its old constitution there and in the Municipal Corporation Commission's report, give the clue to the mystery. As late as 1835 the freemen were still chosen from the free tenants of the manor of Kingston, a district then six miles in length by two in breadth¹. With the exception of the liberty of exclusive trading in the town, whatever liberties were enjoyed within the town were enjoyed throughout the manor. Kingston is one of the boroughs which have developed from the great manors of ancient demesne in the southern counties, manors which often had a forinsec(outer)hundred(or hundreds)attached to them. Ancient demesne of the crown, as is well known, everywhere secured or assumed some of the most characteristic privileges which the crown granted to boroughs², and a favourable situation would do the rest. The men of Andover in Hampshire who held the manor and forinsec hundred at fee farm had obtained a merchant guild as early as 1175 and were sometimes called burgesses. Basingstoke, in the same county, was slower in development. In 1228 its men received a new grant of the fee farm of the manor and hundred and in 1256 they had charters for some of the privileges that were then going to towns, including return of writs. Basingstoke, like Andover and Kingston, was summoned to send burgesses to early parliaments³.

Another manor of ancient demesne which was held in fee farm by its "men" was Godmanchester in Huntingdonshire, and the custumal of 1324 seems to recognise its burghal character (*B.C.* 1, xxix). But as its only charter in this period was Edward I's confirmation of John's fee farm grant, it has not been thought necessary to include it.

Sheffield's claim to a place among the mesne boroughs in this volume was ruled out by Mr Ballard, in a note left by him, on the ground that Thomas de Furnival's charter of 1297 does not apply the term burgesses to the grantees and speaks of the court of the vill and not the court of the borough. But the danger of the negative argument has been seen

¹ The original manor cannot, however, have been so large, for Petersham in the north and Long Ditton in the south were separate manors in 1086 held respectively by the abbot of Chertsey and the bishop of Bayeux. In documents of the fourteenth century and onwards the Town is often distinguished from its Liberty or Precincts.

² *H.E.L.* 1, 384, and below, p. 1.

³ But for the somewhat loose use of "borough" in early parliamentary writs, see below, p. lii.

in the case of royal boroughs and in comparison with the charters of some of the small towns which satisfy this test (*e.g.* Gainsborough) Furnival's grant seems even liberal. Whatever his intention may have been, there is no doubt that the descendants of the free tenants to whom he granted their tofts, lands and tenements at fee farm were called burgesses and collectively the Burgery¹. Though deprived of the government of the town in the sixteenth century, they continue to this day to administer, under the name of the Town Trust, a part of the common property which they acquired in the later middle ages. The point might be pursued further, but we have already anticipated too amply the discussion of the meaning of the word borough in the thirteenth century which finds its natural place in a later section of this introduction.

2. *Arrangement of the Documents*

The plan of this work, as an "analytic digest" of charters granted to burgesses of boroughs in the British Isles, and of a large selection of writs of similar import or interest and a few other documents, is very fully described in the introduction to the first volume, and need not be recapitulated here. New problems and fresh solutions have entailed the addition of many subsections to Mr Ballard's "code," but the general scheme of arrangement, borrowed as it was from Maitland's chapter on the English borough in the thirteenth century, has suffered but little strain. It has been necessary to create two new sections under the head of Jurisdictional Privileges and some may think that that reserved for municipal legislation would more logically have formed a new head by itself. Yet as legislation was vested in a body which was largely a court of justice, there is a sort of historical logic in the course adopted.

Every effort has been made to include all grants or confirmations of privileges falling within the limits of date adopted and the volume contains a considerable number which have never been printed before in the original Latin, and in many cases were only known by abstracts in English. The references to printed sources in the table of charters (p. xxv) are to books which print the charters in Latin. It is possible that a few in private collections or in the back volumes of unindexed local periodicals may have escaped us, but exhaustiveness is hardly attainable where documents are so widely scattered.

Any attempt at an exhaustive reproduction of the material on the Patent and Close Rolls was, of course, out of the question, and as the line of inclusion or exclusion is difficult to draw, we have been content not to add to Mr Ballard's selection, except where there was a definite

¹ By a reverse process, the burgesses of Warrington sank into *libere tenentes*. See p. 182.

grant of some privilege. This has had the disadvantage of excluding the interesting arrangement of 1270 for a joint committee of scholars and burgesses to allay the strife of town and gown at Cambridge and the award of 1277 between the barons of the Cinque Ports and the men of Great Yarmouth. Of certain classes of documents, such as those restoring borough liberties which had been taken into the king's hands and grants of murage and pavage, only typical examples could be given. Licenses for fairs and markets are confined to those which were included in foundation charters or granted later.

One slight deviation from the arrangement of the previous volume, which was only adopted with hesitation, is the further breaking up of some subsections into two or three divisions. The drawback attaching to this is that, owing to exigencies of space, this subdivision could rarely be indicated in the table of the contents of the charters the reference from which in such cases may involve looking through two or three divisions, each in chronological order, instead of one. This, however, seems a less evil than mingling, for instance, clauses relating to mainprise, to the mainpast and to the law of husband and wife merely in order of time. A further exception to the purely temporal arrangement is made (as in the first volume) where clauses from more than one charter to the same town occur in one subsection or division. These are brought together under the year of the earliest in date.

Charters of confirmation by regrant or *inspeximus* are indexed under section I 12 (a) and 12 (b). Their clauses are not usually printed in the text, unless they contain some variation of reading worth note or confirm a charter accidentally omitted in the first volume, as in the case of the Inverkeithing charters in V A 1. Some exceptions are made in section I to illustrate the *formulae* of such confirmations, and elsewhere the text of a regrant is occasionally printed where it (or its original) formed the model for new grants to other boroughs.

The explanation of unusual terms is in most cases reserved for the glossarial index.

3. Sources

The following table shows the charters and other documents contained in this volume, their dates, their grantors and the sources from which our text is derived. Any critical notes that may be required will be found in the next section of this introduction, but as a general rule, no such notes are needed.

The chief source that has been used is, of course, the Charter Rolls in the Public Record Office, the use of which is now made vastly easier by the printed calendar and indexes. There are several gaps in the

series and unluckily one of the missing rolls is that of 40 Henry III (1255-6) which was the most important year of the reign from our point of view. It is not very likely, however, that many charters of this year have missed preservation in later *inspeximus* on the Charter and Patent Rolls and in the muniment rooms of corporations. A large proportion of the latter are described, and in some cases printed, in the reports of the Historical Manuscripts Commission. A certain number of towns have published, or had published for them by private enterprise, a more or less complete text of their Latin and French charters, etc. Such are in England: Bath, Bristol, Cambridge, Chester, Chesterfield, the Cinque Ports, Leicester, Liverpool, Northampton, Norwich, Nottingham, Oswestry, Oxford, Preston, Southampton and Great Yarmouth. Had they been more numerous, the labour expended on the compilation of the present collection would have been greatly lessened. In one or two cases the texts leave much to be desired. Fortunately, it has been possible to correct the very corrupt copy of the Chesterfield charter of 1294 printed in Pym Yeatman's *Records* by a personal collation of the original. The charters of the chief Scottish boroughs have been well edited and Ireland stands alone in possessing a *corpus* of mediaeval town charters in the *Chartae, privilegia et immunitates* printed in 1829-30 by the Irish Record Commission. It was, however, carelessly edited. This is also the case in a greater degree with some of the many Welsh charters in *Archaeologia Cambrensis*. The fate of the Ellesmere charter of Joan of Wales which, it seems likely, was among the Bridgewater MSS. recently sold to an American bookseller and now, in part, the property of Mr Huntington the banker, is lamentable, for we have nothing but a note that it granted the customs of the law of Breteuil.

The town histories, the best guide to which is Gross's *Bibliography of British Municipal History*, only occasionally print the original text of the charters of the thirteenth century. The royal charters can usually be found on the Charter Rolls, but it is by no means always easy to obtain the Latin text of a charter to a mesne borough. It will be noticed that in the case of Gainsborough and Uttoxeter our search has been altogether fruitless.

A word of gratitude must be devoted to the collection of charters printed by Miss Bateson in her articles on the "Laws of Breteuil," and "The Creation of Boroughs" in the fifteenth, sixteenth and seventeenth volumes of the *English Historical Review*, and to those in the appendix of Gross's *Gild Merchant*.

The names of the boroughs mentioned in Domesday Book are printed in capitals, and of those founded by or for mesne lords in italics. In the three cases of Okehampton, Pontefract (*D.B.* Tateshale) and Rhuddlan, these categories overlap.

ENGLAND AND WALES

<i>Abbots Bromley</i> ...	1222	Richard abbot of Burton	Wm Salt Soc. Coll. 1st ser. v, i, 73.
<i>Aberavon</i> (Avan) ...	1288-1313	Leysan ab Morgan	Clark, Cart. Glamorgan, III, 922 (1910).
<i>Aberystwyth</i> (Llanbadarn) ...	1277	Edward I	Arch. Camb. 4th ser. x, Suppl. xxxiv.
<i>Agardsley</i> (Newborough, Staffs.)	1263	Robert de Ferrers	Eng. Hist. Rev. xvi, 334.
<i>Alnwick</i> ...	1226-53	William de Vescy II	Tate, Alnwick, II, 97
	1290	William de Vescy III	Ib. II, App. 2.
<i>Altrincham</i> ...	c. 1290	Hamon de Massey...	Ormerod, Cheshire, I, 536.
<i>Andover</i> ...	1228 (a)	Henry III	Chart. Roll, 12 Hen. III, m. 9; Madox, Firma Burgi, 44.
	1228 (b)	Do.	Chart. Roll, <i>u.s.</i>
<i>Appleby</i> ...	1232	Do.	Ib., 16 Hen. III, m. 12.
	1286	Edward I	Ib., 14 Edw. I, no. 21.
<i>Bakewell</i> ...	1286	William Gernun	Photo of original at Belvoir Castle (MS. no. 27).
<i>Bamburgh</i> ...	1255	Henry III	Chart. Roll, 39 Hen. III, m. 3; Hist. of Northumberland, I, 115.
<i>Barnard Castle</i> ...	c. 1215-29	Hugh de Balliol I ¹	Surtees, Durham, IV, 72.
	1229-68	John de Balliol	Ib. 71.
	1271-8	Alexander de Balliol	Ib. 72.
BARNSTAPLE ...	1237	Henry III	Gribble, Memorials of B. 375
	1272-1307	Edward I	Pat. Roll, 17 Edw. IV, pt. II, m. 20.
<i>Basingstoke</i> ...	1228	Henry III	Chart. Roll, 12 Hen. III, m. 9.
	1256 (a)	Do.	Ib. 3 Edw. III, no. 34.
	1256 (b)	Do.	Ib.
BATH ...	1246	Henry III	Warner, Hist. of Bath, App. 18.
	1256 (a)	Do.	Ib. App. 27
	1256 (b)	Do.	Ib.
	1275	Edward I	Chart. Roll, 3 Edw. I, no. 3.
<i>Beaumaris</i> ...	1296	Edward I	Lewis, Mediaeval Boroughs of Snowdonia, 282.
	? 1296	Do.	Harl. MS. 1954, ff. 53b, 54.
BEDFORD ...	1227 (a)	Henry III	Chart. Roll, 11 Hen. III, pt. 1, no. 121.
	1227 (b)	Do.	Ib. no. 127.
<i>Bere</i> (Merioneth) ...	1284	Edward I	Lewis, Mediaeval Boroughs of Snowdonia, 282.
<i>Berkeley</i> ...	c. 1235-6	Thomas de Berkeley	Copy at Berkeley Castle.
	1262	Maurice de Berkeley	Ib.
<i>Beverley</i> ...	1230	Henry III	Chart. Roll, 14 Hen. III, pt. 1, m. 2.
	1237	Do.	Ib. 21 Hen. III, m. 6.
	1256	Do.	Ib. 35 Edw. I, no. 13.
	1307	Edward I	Ib.
<i>Bodmin</i> ...	1225-57	Richard earl of Cornwall	Chart. Roll, 13 Edw. I, no. 9.
	1285	Edward I	Ib.
<i>Bolton</i> ...	1253	William de Ferrers	Eng. Hist. Rev. xvii, 291.
<i>Bossiney</i> . See Tintagel.			
<i>Brecon</i> ...	1270		Rawlinson MS. 465, f. 229 (Bodl. Lib.).
	1277-82		Ib. f. 230.
<i>Bridgenorth</i> ...	1220	Henry III	Cal. Pat. Rolls, 1216-25, p. 239.
	1227 (a)	Do.	Chart. Roll, 11 Hen. III, pt. 1, no. 91.
	1227 (b)	Do.	Ib. no. 9.
	1256 (a)	Do.	Confirm. Roll, 4 Jas. I, no. 6.
	1256 (b)	Do.	Ib.
<i>Bridgeton Pomeroy</i> ...	1268	Henry de Pomeroy	Original at Maiden Bradley, Wilts.

¹ For a second charter of Hugh, see p. 71 n.

BRIDPORT	... 1253	Henry III	... Willis, <i>Notitia Parliamentaria</i> , II, 461.
BRISTOL	... 1227	Do.	... Seyer, <i>Charters of Bristol</i> , 12.
	1230	Do.	... Cal. Chart. Rolls, I, 113.
(Redcliffe)	1247	Do.	... Seyer, 14
	1252	Do.	... Ib. 16.
	1256	Do.	... Ib. 21
	1300	Edward I	... Ib. 25.
<i>Bromley</i> .	See Abbots Bromley.		
Builth	... 1278	Do.	... Gross, <i>Gild Merchant</i> , II, 355.
<i>Burford</i> (Oxon.)	... 1230-62	Richard de Clare	... Gretton, <i>Burford Records</i> , 301.
<i>Burford</i> (Salop)	... 1265-6	Henry III (?)	... Eytton, <i>Shropshire</i> , IV, 318.
	c. 1265-6	Hugh de Mortimer	... Ib.
<i>Burton-on-Trent</i>	... 1273	Abbot John	... Journ. Brit. Archaeol. Ass. VII, 424.
	1286	Abbot Thomas	... Ib. 425.
<i>Bury St Edmunds</i>	1256	Henry III	... Camb. Univ. Lib. FF. 2/33.
	1281	Edward I	... Cal. Chart. Rolls, II, 258.
Caerwys	... 1290	Edward I	... Gross, <i>Gild Merchant</i> , II, 356.
CAMBRIDGE	... 1227 (a)	Henry III	... Maitland and Bateson, <i>Charters of Camb.</i> 8.
	1227 (b)	Do.	... Ib. 12.
	1256 (a)	Do.	... Ib. 14.
	1256 (b)	Do.	... Ib. 16.
	1280	Edward I	... Ib. 18.
University	1231 (a)	Henry III	... Cal. Close Rolls, 1227-31, p. 586.
	1231 (b)	Do.	... Fuller, <i>Hist. Univ. Camb.</i> 22.
	1231 (c)	Do.	... Ib. 23.
	1242	Do.	... Dyer, <i>Privil.</i> I, 62; <i>Rot. Parl.</i> v, 425.
	1266	Do.	... Dyer, 63; <i>Rot. Parl.</i> v, 426.
	1268	Do.	... Ib.
	1269	Do.	... Dyer, 64; <i>Rot. Parl.</i> v, 426.
	1292	Edward I	... Cal. Chart. Rolls, II, 415.
<i>Camelford</i>	... 1260	Henry III	... Rep. Roy. Institution of Cornwall, Oct. 1865, 83.
CANTERBURY	1234	Do.	... Chart. Roll, 26 Edw. I, no. 5.
	1252	Do.	... Chart. Roll, 36 Hen. III, m. 3.
	1256 (a)	Do.	... Hist. MSS. Comm. Rep. IX, pt. I, 166.
	1256 (b)	Do.	... Chart. Roll, 26 Edw. I, no. 5.
	1298	Edward I	... Ib.
Cardigan	... 1230	Henry III	... Chart. Roll, 14 Hen. III, pt. II, m. 10.
	1249	Henry III	... Gross, <i>Gild Merchant</i> , II, 359.
	1284	Edward I	... Chart. Roll, 13 Edw. I, no. 147 and P.Q.W. 820.
Carlisle	... 1221	Henry III	... Ferguson, <i>Charters of Carlisle</i> , 1.
	1231	Do.	... Chart. Roll, 16 Hen. III, m. 19.
	1234	Do.	... Ib. 35 Hen. III, m. 4.
	1251 (a)	Do.	... Ib.
	1251 (b)	Do.	... Ferguson, <i>op. cit.</i> 10.
	1293	Edward I	... Ib. Hist. MSS. Comm. Rep. IX, App. I, 197.
Carmarthen	... 1227	Henry III	... Daniel-Tyssen, <i>Ch. of Carm.</i> 2.
	1254-7	Edward son of Henry III	... Ib. 7
	1257	Henry III	... Ib. (also <i>Foedera</i> (R), I, 501).
	1285	Edward I	... Ib. 21.
Carnarvon	... 1284	Edward I	... Lewis, <i>Med. Boroughs of Snowdonia</i> , 281.
	? 1284	Do.	... Harl. MS. 1954, f. 54.
	1306	Edward prince of Wales	... Rec. of Carn. 185-6.
<i>Chard</i>	... 1235	Bp Jocelin of Bath and Wells	... Pat. Roll, 14 Edw. I, m. 24 (sched.).

<i>Chard (cont.)</i>	1271-72	Bp William II	...	Pat. Roll, 14 Edw. I, m. 24 (sched.).
	1280	Bp Robert Burnell	...	Ib.
	1286	Edward I	...	Ib.
CHESTER	... 1233-7	Earl John le Scot	...	Morris, Chester, 487 (also Hist. MSS. Comm. Rep. viii, App. 356).
	1237 (a)	Henry III	...	Ib. 488
	1237 (b)	Do.	...	Ib. 489.
	1239	Do.	...	Ib. 490; Chart. Roll, 23 Hen. III, no. 1.
	1300	Edward I	...	Morris, 492.
<i>Chesterfield</i>	... 1226-7	William Brewer II	...	Yeatman, Borough Rec. of Chesterfield, 28 (facs.).
	1232	Henry III	...	Chart. Roll, 17 Hen. III, m. 12.
	1294	John Wake	...	Original at Chesterfield.
<i>Chipping Campden</i> (Glouc.)	c. 1247	Henry III	...	Chart. Roll, 31 Hen. III, m. 3.
	1249	Roger de Somery	...	Eng. Hist. Rev. xvi, 96.
<i>Chipping Sodbury</i> (Glouc.)	1227	Henry III	...	Ib.
	c. 1245-60	Do.	...	Chart. Roll, 11 Hen. III, pt. 1, m. 3.
	Before 1281	William le Gras (Crassus)	...	Eng. Hist. Rev. xv, 315.
<i>Christchurch</i>	... 1245-62	Jordan Bishop	...	Rudder, Gloucestershire, 673.
		Earl Baldwin (IV) of Devon	...	Confirm. Roll, 6-10 Hen. VII, m. 15.
Cinque Ports	... 1260	Henry III	...	Chart. Roll, 44 Hen. III, no. 35.
	1278	Edward I	...	Jeakes, Charters of the Cinque Ports, 7.
	1290	Do.	...	Chart. Roll, 18 Edw. I, no. 87.
	1298 (a)	Do.	...	Pat. Roll, 26 Edw. I, m. 17; Swinden, Great Yarmouth, 198.
	1298 (b)	Do.	...	Pat. Roll, loc. cit.
<i>Clifton (Worc.)</i>	... 1270	Henry III (to Roger de Mortimer)	...	Chart. Roll, 54 Hen. III, m. 8.
<i>Clitheroe</i>	... 1272-91	Henry earl of Lincoln	...	Harland, Charters of Clitheroe, 6.
	1307	Do.	...	Ib. 13.
COLCHESTER	... 1252	Henry III	...	Cart. Mon. S. Joh. de Colecestria, II, 673.
<i>Congleton</i>	... 1272-c. 74	Henry earl of Lincoln	...	Ches. Recogn. Roll, 192, m. 2d.
Conway	... 1284	Edward I	...	Lewis, Med. Boroughs of Snowdonia, 279.
	? 1284	Do.	...	Harl. MS. 1954, f. 54.
<i>Coventry</i>	... 1267	Henry III (to Prior)	...	Chart. Roll, 51 Hen. III, m. 8.
	1268	Do.	...	Ib. 52 Hen. III, m. 11.
Criccieth	... 1284	Edward I	...	Lewis, Med. Boroughs of Snowdonia, 281.
	c. 1284	Do.	...	Harl. MS. 1954, f. 54.
Deganwy (Gannoc)	1252	Henry III	...	Eng. Hist. Rev. xvii, 287.
Denbigh	... 1283-90	Henry earl of Lincoln	...	Williams, Records of Denbigh, 119; Arch. Camb. 3rd ser. 1, 185.
	1290	Edward I	...	Pat. Roll, 18 Edw. I, m. 11.
DERBY	... 1229	Henry III	...	Chart. Roll, 13 Hen. III, m. 7.
	1256	Do.	...	Madox, Firma Burgi, 9.
	1260-1	Do.	...	Nichols, Leicestershire, 1, 7.
	1216-72	Do.	...	Simpson, Derby, 43.
Devizes	... 1229	Do.	...	Chart. Roll, 13 Hen. III, pt. 1, m. 9.
<i>Dunheved</i> (Launceston)	... 1225-56	Richard earl of Cornwall	...	Pat. Roll, 2 Hen. V, pt. iii, m. 28.
<i>Dunster</i>	... 1254-7	Reginald de Mohun	...	Early copy at Dunster Castle.
DUNWICH	... 1230	Henry III	...	Charter Roll, 14 Hen. III, pt. 2, m. 2.
	1256	Do.	...	Ib. 13 Edw. I, no. 41.
	1279	Edward I	...	Pat. Roll, 7 Edw. I, m. 3.
	1285	Do.	...	Charter Roll, 13 Edw. I, no. 41.
<i>Ellesmere</i>	... 1216-37	Joan of Wales	...	Eng. Hist. Rev. xv, 316.

EXETER	...	1237	Henry III	...	Mun. Gildh. Lond. (R.S.) II, 667.
		1259 (a)	Richard, king of the Romans	...	Oliver, Exeter, 280.
		1259 (b)	Do.	...	Chart. Roll, 44 Hen. III, no. 39.
		1259 (c)	Henry III	...	Ib.
		1286	Edmund earl of Cornwall	...	Oliver, Exeter, 281.
		1300	Edward I	...	Hearne, Lib. Niger, 812; Mun. Gildh. II, 668.
<i>Farnham</i>	...	1247	William bp of Winchester	...	V.C.H. Surrey, II, 585
		1266	John do.	...	Ib.
<i>Faversham</i>	...	1252	Henry III	...	Chart. Roll, 36 Hen. III, m. 10.
		1261	Do.	...	Ib. 9 Edw. II, no. 48.
		1302	Edward I	...	Ib. 30 Edw. I, no. 1.
Flint	...	1284	Do.	...	Arch. Camb. 5th ser. IX, 102.
<i>Frauncheville</i> (Newtown, I. of W.)	...	1256	Aymer bp el. of Winchester	...	Chart. Roll, 13 Edw. I, no. 3.
		1285	Edward I	...	Ib.
<i>Gainsborough</i>	...	Before 1250	John Talbot	...	Stark, Gainsborough, 73.
Gannoc. See Deganwy.					
GLOUCESTER	...	1227	Henry III	...	Madox, Firma Burgi, 133.
		1256	Do.	...	Hist. MSS. Comm. 12 Rep. App. IX, 402.
		1302	Edward I	...	Chart. Roll, 30 Edw. I, no. 11.
Grimsby	...	1227	Henry III	...	Chart. Roll, 11 Hen. III, pt. 1, no. 8.
		1256	Do.	...	Ib. 12 Edward II, no. 2.
		1258	Do.	...	Ib. 43 Hen. III, m. 5.
		1271	Do.	...	Ib. 55 Hen. III, m. 5.
GUILDFORD	...	1257 (a)	Henry III	...	Chart. Roll, 41 Hen. III, m. 12; Madox, Firma Burgi, 43 (part).
		1257 (b)	Do.	...	Ib.
Harlech	...	1284	Edward I	...	Lewis, Med. Boroughs of Snowdonia, 282.
	?	1284	Do.	...	Harl. MS. 1954, f. 54.
<i>Hartlepool</i>	...	1230	Bishop le Poore of Durham	...	Surtees, Durham, III, 386; Sharp, Hartlepool, 68, App. 1.
		1230?	Prior and Convent do.	...	Sharp, op. cit. 69.
		1230?	Peter de Brus	...	Ib. 70.
		1234 (a)	Henry III	...	Chart. Roll, 39 Edw. III, no. 27.
		1234 (b)	Do.	...	Ib. 21 Ric. II, no. 20.
<i>Haverfordwest</i>	...	1219	William (II) earl of Pembroke	...	Arch. Camb. IV, ser. X, Suppl. xxxviii.
		1219-29	Do.	...	Eng. Hist. Rev. xv, 518.
	...	1219-31	Do.	...	Ib.
		1234-41	Gilbert earl of Pembroke	...	Arch. Camb. u.s. p. xl.
		1291	Edward I	...	Ib. p. xxxvii.
<i>Helmsley</i> (Yorks.)	c.	1186-1227	Robert de Ros	...	Dodsworth MS. 7, f. 160.
<i>Helston</i>	...	1225-40	Richard earl of Cornwall	...	Gross, Gild Merchant, II, 108.
		1260	Do. (king of the Romans)	...	Chart. Roll, 10 Edw. III, no. 6.
HEREFORD	...	1227 (a)	Henry III	...	Chart. Roll, 11 Hen. III, pt. 1, no. 128.
		1227 (b)	Do.	...	Ib. no. 127.
		1256 (a)	Do.	...	Eng. Hist. Rev. xxxv, 558 sqq.
		1256 (b)	Do.	...	Ib.
		1267	Edward son of Henry III	...	Hist. MSS. Comm. 13 Rep. pt. IV, p. 284.
<i>Higham Ferrers</i>	...	1251 (a)	William earl of Derby	...	Eng. Hist. Rev. xvii, 290.
		1251 (b)	Henry III	...	Ib.
		1300	Edward I	...	Chart. Roll, 28 Edw. I, no. 30.

Hull	...	1299	Edward I	...	Chart. Roll, 27 Edw. I, no. 27 and Madox, Firma Burgi, 272 (in part).
(Kingston-upon-Hull)		1302	Do.	...	Pat. Roll, 30 Edw. I, m. 15.
HUNTINGDON		1252	Henry III	...	Chart. Roll, 36 Hen. III, m. 18.
HYTHE	...	1261	Do.	...	Ib. 45 Hen. III, no. 18.
See also Cinque Ports.					
IPSWICH	...	1256	Do.	...	Hist. MSS. Comm. 9 Rep. pt. 1 App. 230.
		1291	Edward I	...	Ib.
Kendal	...	1247-72	Peter de Brus III	...	Photo. of original at Kendal.
Kingston-on-Hull. See Hull.					
Kingston-on-Thames		1256 (a)	Henry III	...	B.M. Lansdowne MS. 225, f. 8d.
		1256 (b)	Do.	...	Ib. f. 9.
		1256 (c)	Do.	...	Cal. Pat. Rolls, 1343-5, p. 3.
Kinver (Kinfare)	c.	1260-1300	John son of John fitz Philip		Shaw, Staffordshire, II, 262.
Kirkby Johannis ¹ ...		1305	Edward I	...	Chart. Roll, 33 Edw. I, no. 35.
(co. Cumberland)					
Kirkham (co. Lanc.)		1296	Walter abbot of Vale Royal		Chetham Soc. O.S. 92, p. 209.
Knutsford	...c.	1292	William de Tabley		Ormerod, Cheshire, I, 488.
Lancaster	...	1227	Henry III	...	Chart. Roll, 11 Hen. III, pt. 1, no. 144.
Laugharne	...	1278-82	Guy de Brionne	...	Arch. Cambr. 4th ser. x, Suppl. xli.
Launceston	...	1274	Earl Edmund of Cornwall		Peter, Launceston, 9.
Leek	...	After 1224	Rich. abbot of Dieulacres		Sleigh, Leek (1883), 16.
LEICESTER	...	1229	Henry III	...	Chart. Roll, 13 Hen. III, pt. 1, m. 12.
		1231-9	Simon lord of Leicester		Bateson, Rec. of Leicester, I, 39.
		1239	Do. earl do.		Ib. 38
	c.	1254	Do.	...	Ib. 46.
		1255	Do.	...	Ib. 49.
		1256	Henry III	...	Ib. 51.
		1257	Do.	...	Ib. 53.
		1269	Do.	...	Ib. 56.
		1277	Edmund earl of Lancaster		Ib. 150.
LINCOLN	...	1227	Henry III	...	Chart. Roll, 11 Hen. III, pt. 1, no. 72.
		1255	Do.	...	Ib. 39 Hen. III, m. 7.
		1262	Do.	...	Hist. MSS. Comm. 14 Rep. App. viii, 5.
		1272	Do.	...	Ib. 6.
		1301	Edward I	...	Chart. Roll, 29 Edw. I, no. 31.
Liskeard	...	1240	Richard earl of Cornwall		Pat. Roll, 2 Edw. III, pt. II, m. 14.
		1266	Do. as king of the Romans		Ib.
		1275	Edmund earl of Cornwall		Ib.
Liverpool	...	1229 (a)	Henry III	...	Muir and Platt, Mun. Gov. in Liv. 155.
		1229 (b)	Do.	...	Ib. 296.
		1266	Robert (Ferrers) earl of Derby		Ib. 156.
Llanbadarn. See Aberystwyth.					
Llanfyllin	...	After 1286	Llewelyn ab Gruffydd ab Gwenwynwyn		Powysland Club Coll. III, 91; Eng. Hist. Rev. xv, 318.
LONDON	...	1227 (a)	Henry III	...	Mun. Gildh. (Lib. Cust.), 256.
	...	1227 (b)	Do.	...	Ib. 45.
	...	1227 (c)	Do.	...	Ib. 258.

¹ New Newton Arlosh.

LONDON (<i>cont.</i>)...	1227 (<i>d</i>)	Henry III	...	Mun. Gildh. (Lib. Cust.), 259.
	1247	Do.	...	Foedera (R), I, 266.
	1253	Do.	...	Mun. Gildh. 262.
	1266	Do.	...	Pat. Roll, 50 Hen. III, m. 35.
	1268	Do.	...	Mun. Gildh. 251.
	1299	Edward I	...	Ib. 256.
(Weavers' Guild)	1243	Henry III	...	Ib. 48.
	1303	Edward I	...	Ib. 417.
Looe, West ... ?	1243	Richard earl of Cornwall	...	Pat. Roll, 18 Edw. II, pt. I, m. 22.
(Porthbychan)				
Lostwithiel ...	1268	Richard king of the Romans	...	Chart. Roll, 19 Edw. II, no. 24.
Lydd ¹ ...	1290	Edward I	...	Photo. of charter of 1364 in Records of Lydd.
Lydharn (Salop) ...	1270	Henry III	...	Chart. Roll, 54 Hen. III, m. 5; Eyton, Shropshire, xi, 280 (tr.).
Lyme [Regis] ...	1284	Edward I	...	Gross, Gild Merchant, I, 14.
	1285	Do.	...	Chart. Roll, 13 Edw. I, no. 136.
Lynn [King's] ...	1233	Henry III	...	Chart. Roll, 17 Hen. III, m. 11.
	1234	Do.	...	Feet of Fines, Norfolk, 369.
	1255	Do.	...	Chart. Roll, 39 Hen. III, m. 6.
	1257-66	Simon bishop of Norwich	...	Ib. 52 Hen. III, m. 9.
	1268	Henry III	...	Ib.
	1280	Edward I	...	Ib. 9 Edw. I, no. 100.
	1305	Do.	...	Ib. 33 Edw. I, no. 45; Gild Merchant, II, 151.
Macclesfield ...	1261	Edward son of Henry III	...	Ormerod, Cheshire, III, 740; Earwaker, East Ches. II, 460 (facs.).
MALDON ...	1290	Edward I	...	Cal. Chart. Rolls, II, 351.
Manchester ...	1301	Thomas Grelley	...	Tait, Mediaeval Manchester, 62; Harland, Mamecestre (facs.).
MARLBOROUGH	1229	Henry III	...	Chart. Roll, 13 Hen. III, pt. I, m. 11.
	1239	Do.	...	Gross, Gild Merchant, II, 173.
	1246	Do.	...	Chart. Roll, 30 Hen. III, m. 10.
Melcombe [Regis]	1280	Edward I	...	Ib. 8 Edw. I, no. 52.
Monmouth ...	1256	Henry III	...	P.R.O. Anc. Deeds, C. no. 9843.
Montgomery ...	1227	Do.	...	Arch. Camb. 4th ser. x, Suppl. xlv.
	1228-29	Hubert earl of Kent	...	Chart. Roll, 13 Hen. III, pt. I, m. 2.
	1229	Henry III	...	Ib.
	1267	Do.	...	Pat. Roll, 51 Hen. III, m. 7.
Morpeth ...	1239-66 (<i>a</i>)	Roger de Merlay III	...	Hodgson, Northumberland, pt. II, vol. II, p. 481.
	1239-66 (<i>b</i>)	Do.	...	Ib. 482.
	1246-62	Do.	...	Ib.
	1239-66 (<i>c</i>)	Do.	...	Ib.
	1294	John de Greystoke	...	Ib. 484.
Neath ...	1280	Gilbert de Clare	...	Clark, Cart. Glamorgan (1890), II, 56.
Nether Wear (Som.) ...	1278-9	Edward I	...	Eng. Hist. Rev. xv, 308.
Newborough (Anglesey) ...	1303	Edward prince of Wales	...	Lewis, Med. Boroughs of Snowdonia, 283.
	? 1303	Edward I	...	Harl. MS. 1954, f. 54.
Newborough (Kemmes). See Newport.				
Newborough (Staffs.). See Agardsley.				
Newcastle-under-Lyme	1235	Henry III	...	Gross, Gild Merchant, II, 178 (with error in date).
	1251	Do.	...	Chart. Roll, 35 Hen. III, m. 1.
	1281	Edward I	...	Ib. 9 Edw. I, no. 49.
	1292-7	Mayor and community	...	Ward, Stoke-upon-Trent, App. xli.

¹ See note to I 5.

Newcastle-upon-Tyne ¹	1234 (a)	Henry III	... Foedera (R), I, 213; Brand, Newcastle, II, 139.
	1234 (b)	Do.	... Brand, II, 140.
	1248	Do.	... Ib.
	1252	Do.	... Ib. 141.
	1276	Edward I	... Ib. 143.
	1293	Do.	... Ib. 146.
	1298	Do.	... Ib. 146.
Newport (Kemmes c. co. Pembroke)	1241	Nicholas son of William fitz Martin	Fenton, Pembrokeshire (1903), 348; Baronia de Kemeys, 50.
	1273-81	Do.	... Ib. 49.
Newport (Salop) ...	1287	Edward I	... Harl. MS. 1985, f. 244 b; Eyton, Shropshire, IX, 134.
Newport (I. of W.)	1262-93	Isabella de Forz	... Worsley, Isle of Wight, App. no. XXI.
(<i>Novum burgum de Medina</i>)			
Newton (Dorset). See Nova Villa.			
Newtown (I. of W.). See Frauncheville.			
NORTHAMPTON	1224	Henry III	... Markham and Cox, Rec. of N. I, 37.
	1227	Do.	... Ib. 364.
	1252	Do.	... Ib. 41.
	1255	Do.	... Ib. 44.
	1257	Do.	... Ib. 365.
	1268 (a)	Do.	... Ib. 49.
	1268 (b)	Do.	... Ib. 51.
	1270	Do.	... Ib. 53.
	1284	Edward I	... Ib. 54.
	1299	Do.	... Ib. 364.
	1301	Do.	... Ib. 58.
NORWICH ...	1229	Henry III	... Chart. Roll, 13 Hen. III, pt. 1, m. 10; Hudson and Tingey, Rec. of Norw. I, 15.
	1255	Do.	... Ib.
	1256	Do.	... Ib. 16.
	1285	Edward I	... Ib. 18.
	1305	Do.	... Chart. Roll, 33 Edw. I, no. 22; Blomefield, Norfolk, III, 67.
NOTTINGHAM ...	1230	Henry III	... Stevenson, Rec. of Nottingham, I, 22.
	1255 (a)	Do.	... Ib. 40.
	1255 (b)	Do.	... Ib.
	1265	Do.	... Ib. 46.
	1272	Do.	... Ib. 52.
	1284	Edward I	... Ib. 56.
Nova Villa	1286 (a)	Do.	... Chart Roll, 14 Edw. I, no. 3.
(Newton, Dorset)	1286 (b)	Do.	... Ib. no. 2.
OKEHAMPTON...	1291	Hugh de Courtenay	Bridges and Wright, Okehampton, 161.
Orford ...	1256 (a)	Henry III	... Pat. Roll, 26 Edw. III, pt. 1, m. 29.
	1256 (b)	Do.	... Ib.
Ormskirk ...c.	1286	Prior and canons of Burscough	P.R.O., D. Lanc. Misc. Bks. no. 6, f. 15.
Oswestry ...	1263	John Fitz Alan	... Leighton, Rec. of Oswestry, 1.
Overton ...	1292	Edward I	... Chart. Roll, 20 Edw. I, no. 55; cf. Madox, Firma Burgi, 39.
OXFORD ...	1229 (a)	Henry III	... Ogle, Royal Letters to Oxford, 6.
	1229 (b)	Do.	... Ib. 7 (facs.).
	1257 (a)	Do.	... Ib. 8.
	1257 (b)	Do.	... Ib. 10.
	1301 (a)	Edward I	... Ib. 16.
(Cordwainers' Guild)	1260	Henry III	... Cal. Chart. Roll, II, 34.
(Weavers' Guild)	1275	Edward I	... Pat. Roll, 3 Edw. I, m. 13.
(University) ...	1231 (a)	Henry III	... Cal. Close Rolls, 1227-31, p. 586.

¹ The presentment of 1256 as to the royal prizes at Newcastle printed under VI 4 is from Assize Roll, Northumberland, 40 Hen. III (Surtees Soc.), p. 83.

OXFORD (<i>cont.</i>)	1231 (<i>b</i>)	Henry III	...	Cal. Close Rolls, 1227-31, p. 586.
	1231 (<i>c</i>)	Do.	...	Ib.
	1234	Do.	...	Cal. Close Rolls, 1231-4, pp. 568, 570.
	1244	Do.	...	Registrum Privilegiorum, 4.
	1248	Do.	...	Ib. 5; Oxford City Docs. 212.
	1251	Do.	...	Cal. Close Rolls, 1247-51, p. 480.
	1255	Do.	...	Foedera (R), 1, 323; Stubbs, Select Ch. 366.
	1256	Do.	...	Pat. Roll, 40 Hen. III, m. 16.
	1262	Do.	...	Oxf. City Docs. 215; Reg. Priv. 6.
	1265	Do.	...	Ib. 7.
	1268	Do.	...	Oxford City Docs. 213.
	1275	Edward I	...	Munimenta Academica, 1, 46.
	1284	Do.	...	Hare, Privilegia, 14.
	1286	Do.	...	Pat. Roll, 14 Edw. I, m. 15.
	1301 (<i>b</i>) ¹	Do.	...	Prynne, Records, III, 909.
Pembroke	1303	Do.	...	Twyne MSS. IV, 43.
	1305 (<i>a</i>)	Do.	...	Ib.
	1305 (<i>b</i>)	Do.	...	Ib. 50.
	1305 (<i>c</i>)	Do.	...	Ib.
	1256	Henry III	...	Cal. Pat. Roll, 34 Edw. III, 489.
	See Lostwithiel.			
	Penryn (Cornw.) ...	William Brewer bp of Exeter	...	Parochial Hist. of Cornwall, II, 90.
		Walter Bronescombe bp of Exeter	...	Ib.
	1275	Do.	...	
	Plympton ...	Baldwin earl of Devon	...	Journ. Devon Assoc. XIX, 561; Chart. Roll, 13 Edw. I, no. 64.
		Isabel countess of Devon	...	Ib.
	1285	Edward I	...	Chart. Roll, 4.s.
	PONTEFRACHT ...	Henry earl of Lincoln	...	Fraser, Contested Elections, 1, App. II.
		Do.	...	Ib.
	1278 (<i>b</i>)	Do.	...	
	See also Westcheap.			
	Poole ...c.	William de Longespée	...	Sydenham, Poole, 154.
		Henry III	...	
Portsmouth ² ...	1229 (<i>a</i>)	Do.	...	Chart. Roll, 14 Hen. III, pt. 1, m. 4.
	1229 (<i>b</i>)	Do.	...	Allen, Portsmouth, App. XIII.
	1255	Do.	...	Ib. XIV.
	1256	Do.	...	Ib. XV.
Preston ...	1227	Do.	...	Lingard, Charters of Preston, no. 6.
	1252	Do.	...	Ib. no. 8.
	"Ravenserod" (Yorks.)	Edward I	...	Chart. Roll, 27 Edw. I, no. 25.
		Do.	...	
READING ...	1253	Henry III	...	Gross, Gild Merchant, II, 202.
	1254 (Fine)	Do.	...	Ib.
Redcliffe. See Bristol.				
Retford (Notts.) ...	1259	Henry III	...	Chart. Roll, 44 Hen. III, no. 45.
	1276	Edward I	...	Ib. 4 Edw. I, no. 2.
RHUDDLAN ...	1278	Do.	...	Arch. Camb. 5th ser. IX, 338.
	1284	Do.	...	Rec. of Caernarvon, 179.
	1295	Do.	...	Chart. Roll, 24 Edw. I, no. 24.
	1268	John son of the duke of Brittany	...	Gale, Registrum Honoris de Richmond, App. 209.
RICHMOND ...	1227	Henry III	...	Chart. Roll, 12 Hen. III, m. 11.
	1266	Do.	...	Hist. MSS. Comm. 9 Rep. App. 286 (in part).
Salford ...c.	1230	Ranulf earl of Chester	...	Tait, Med. Manchester, 62 (facs.).
SALISBURY (OLD) 1229		Henry III	...	Chart. Roll, 13 Hen. III, pt. 1, m. 11.
		Do.	...	

¹ Should be 1305 (Salter, Munimenta, No. 12).² See also Southampton, 1252.

<i>Salisbury (New)</i> ...	1225	Bp. Rich. le Poore	Hoare, Wilts. vi, 728.
	1227	Henry III ...	Ib. 730; Sarum Charters (R.S.), 175.
	1270	Do. ...	Chart. Roll, 54 Hen. III, m. 9.
	1285	Edward I ...	Ib. 13 Edw. I, no. 13.
	1306	Do. ...	Hoare, vi, 739; Chart. Roll, 34 Edw. I, no. 27.
<i>Salitash</i> ...	Before 1246	Reginald de Valletort	Luders, Controverted Elections, II, 117; C.P.R. 1381-85, p. 57 (witnesses).
<i>Scarborough</i> ...	1253 (a)	Henry III ...	Chart. Roll, 37 Hen. III, m. 14.
	1253 (b)	Do. ...	Ib.
	1253 (c)	Do. ...	Ib. 5 Edw. II, no. 14.
	1256 (a)	Do. ...	Ib.
	1256 (b)	Do. ...	Ib.
SHAFTESBURY	1252	Do. ...	Chart. Roll, 37 Hen. III, m. 22.
<i>Sheffield</i> ...	1297	Thomas de Furnival	Leader, Burgery of Sh. 1.
<i>Sherborne</i> ...	1227-8	Richard (Poore) bp of Salisbury	Pat. Roll, 5 Ric. II, pt. 1, m. 11.
<i>Shrewsbury</i> ...	1218	Henry III ...	Cal. Pat. Rolls, 1216-25, p. 169.
	1220	Do. ...	Ib. 238.
	1227 (a)	Do. ...	Chart. Roll, 11 Hen. III, pt. 1, no. 135; Gross, Gild Merchant, II, 210 (in part).
	1227 (b)	Do. ...	Ib. II, 211.
	1256 (a)	Do. ...	Eng. Hist. Rev. xxxv, 558-9.
	1256 (b)	Do. ...	Ib.
	1265	Do. ...	Pat. Roll, 49 Hen. III, m. 6.
	1267	Do. ...	Chart. Roll, 51 Hen. III, m. 3.
	1284	Edward I ...	Hist. MSS. Comm. 15 Rep. App. x, p. 3.
" <i>Skynburgh</i> " (Cumberland)	1301	Do. ...	Chart. Roll, 29 Edw. I, no. 43.
<i>Sodbury</i> . See Chipping Sodbury.			
SOUTHAMPTON	1227 (a)	Henry III ...	Chart. Roll, 11 Hen. III, pt. 1, no. 60.
	1227 (b)	Do. ...	Gidden, Charters of Southampton, I, 4.
	1249	Do. ...	Chart. Roll, 33 Hen. III, m. 1.
	1252	Do. ...	Gidden, op. cit. I, 6.
	1256 (a)	Do. ...	Ib. 8 (also Stubbs, Sel. Charters, 368).
	1256 (b)	Do. ...	Ib. 14.
	1303	Edward I ...	Pat. Roll, 31 Edw. I, m. 43.
STAFFORD ...	1228	Do. ...	Chart. Roll, 12 Hen. III, m. 7.
	1261	Do. ...	Ib. 45 Hen. III, no. 13.
STAMFORD ...	1257	Do. ...	Ib. 41 Hen. III, m. 4.
<i>Stockport</i> ...c.	1260	Robert de Stockport	Heginbotham, Stockport (facs.); Tait, Med. Manchester, 62.
<i>Swansea</i> ...	1234	Henry III ...	Clark, Cart. Glamorgan. II, 230 (1910); Chart. Roll, 6 Edw. II, no. 50.
	1306	William de Braose	Francis, Swansea Charters, 5.
<i>Tenby</i> ...	1265-94	William de Valence	Eng. Hist. Rev. xvi, 102.
<i>Thalacarn</i> . See Laugharne.			
<i>Tintagel</i> ...	1225-56	Richard earl of Cornwall	Willis, Notitia Parliam. II, 542.
<i>Totnes</i> (composition)	1306	See Introduction, pp. lxxx, lxxxv.	
<i>Truro</i> ...	1285	Edward I ...	Cal. Charter Rolls, II, 304.
<i>Ulverston</i> ...	1284	Roger de Lancaster	West, Furness Abbey, App. III.
<i>Uttoxeter</i> ...	1252	William earl of Derby	(Mosley) Hist. of Ashbourne, 302 f. (tr.); Harl. MS. 2060, f. 16 (24).
<i>Wallingford</i> ...	1267	Henry III ...	Cal. Chart. Rolls, II, 68; Foedera (R), I, 471.
<i>Warenmouth</i> (Northumberland)	1247	Henry III ...	Chart. Roll, 31 Hen. III, m. 7; Bateson, Bamburgh, 195.

<i>Warrington</i>	... 1292 1300	William le Botiller Free tenants and community	Original in Warrington Museum. Ib.
<i>Warton</i>	... 1246-71	Walter de Lindsay	Eng. Hist. Rev. xvii, 203.
<i>Wavermouth</i> ¹	... 1300	Edward I	Chart. Roll, 28 Edw. I, m. 2.
<i>Weare.</i> See <i>Nether Weare.</i>			
<i>Wells</i>	... 1290	Edward I	Chart. Roll, 18 Edw. I, no. 31.
<i>Welshpool</i>	... 1241-c. 1286	Gruffydd ab Gwyn- wynwyn	Powysland Club Coll. 1, 302; Gross, Gild Merchant, 11, 389 (in part).
<i>Westche[a]p</i>	... 1255-8	Edmund earl of Lincoln	Yorks. Arch. Soc. Journ. 1, 170.
<i>West Looe.</i> See <i>Looe.</i>			
<i>Weymouth</i>	... 1252	Prior and convent of Winchester	Hutchins, Dorset, 11, 466.
<i>Wigan</i>	... 1246	Henry III	Placita de Quo Warranto, 372.
<i>WILTON</i>	... 1229	Do.	Chart. Roll, 13 Hen. III, pt. 1, m. 12; Gross, Gild Merch. 11, 389.
<i>Winchelsea (New)</i>	1281 1283 1288	Edward I Do. Do.	Cooper, Winchelsea, 30. Ib. 32. Ib.
<i>WINCHESTER</i>	1227	Henry III	Chart. Roll, 11 Hen. III, pt. 1, no. 47.
	1290	Edward I	Ib. 18 Edw. I, no. 34.
<i>Windsor, New</i>	... 1277	Do.	Chart. Roll, 5 Edw. I, no. 14; Tighe and Davis, Windsor, 1, 104.
<i>WORCESTER</i>	... 1227	Henry III	Chart. Roll, 11 Hen. III, pt. 1, no. 146.
	1256	Do.	Eng. Hist. Rev. xxxv, 560.
	1264	Do.	Chart. Roll, 48 Hen. III, m. 3.
<i>Wotton-under-Edge</i>	1253 (a)	Joan de Berkeley	Smyth, Lives of the Berkeleys, ed. Maclean, 1, 118.
	1253 (b)	Maurice de Berkeley	Ib.
	1282	Thomas (II) de Ber- keley	Ib.
<i>Wycombe</i>	... 1226 1237 1285	Alan Basset Henry III Edward I	Chart. Roll, 21 Hen. III, m. 5. Ib.; Parker, Wycombe, App. 12. Ib. 15; Chart. Roll, 13 Edw. I, no. 59.
<i>YARMOUTH,</i>	1256 (a)	Henry III	Swinden, Great Yarmouth, 72.
<i>GREAT</i>	1256 (b) 1261 1272 1285 (a) 1285 (b) 1285 (c) 1298 1306	Do. Do. Do. Edward I Do. Do. Do. Do.	Ib. 74. Ib. 75. Cal. Chart. Rolls, 11, 185. Chart. Roll, 13 Edw. I, no. 37. Ib. no. 36. Pat. Roll, 13 Edw. I, m. 11. Swinden, Yarmouth, 198. Ib. 246.
<i>Yarmouth (I. of W.)</i>	1240-62	Baldwin earl of Devon	Worsley, I. of W. App. 41, 45.
<i>Yeovil</i>	... 1305-6	Robert de la More	Proc. Som. Arch. Soc. xxxii, 4.
<i>YORK</i>	... 1252	Henry III	Chart. Roll, 36 Hen. III, m. 19; Drake, Eboracum, 264.
	1256 (a)		Chart. Roll, 5 Edw. II, no. 23.
	1256 (b)		Ib.
	1262		Pat. Roll, 46 Hen. III, m. 14.
	1267		Chart. Roll, 51 Hen. III, m. 6.

SCOTLAND

<i>Aberdeen</i>	... 1273 1277	Alexander III	Anderson, Ch. of A. 1, 8. Ib. 9.
<i>Ayr</i>	... 1223 1236 (a) 1236 (b) 1261	Alexander II Do. Do. Alexander III	Ch. of Ayr, 6. Ib. 9. Ib. 14. Ib. 18.

¹ See critical note on "Skynburgh."

Berwick	... 1260	Henry III	... Chart. Roll, 45 Hen. III, no. 34.
	1302	Edward I	... Ib. 30 Edw. I, no. 13.
	1307	Do.	... Ib. 35 Edw. I, no. 20.
Crail	... 1306	Robert I	... Mun. Corp. Comm. Rep. (S), 1, 155 (253).
Dingwall	... 1226	Alexander II	... Reg. Magni Sigilli, 1424-1513, p. 508.
Dumbarton	... 1221	Do.	... Irving, Book of Dumbartenshire, 1, 58.
	1224	Do.	... Ib. 59.
	1226	Do.	... Ib.
Elgin	... 1234	Do.	... Cramond, Ch. of Elgin, 8 (facs.).
Glasgow	... 1224-7 (a)	Do.	... Marwick, Ch. of Glasg. 1, pt. 2, p. 9.
	1224-7 (b)	Do.	... Ib.
	1225	Do.	... Ib. 11.
	1226	Do.	... Ib. 12.
	1243	Do.	... Ib. 14.
	1275	Alexander III	... Ib. 17.
Inverkeithing	... 1223 (a)	Alexander II	... Mun. Corp. Comm. Rep. (S), 1836, Local Rep. II, 8 (App.).
	1223 (b)	Do.	... Ib.
	1259	Alexander III	...
Inverness	... 1236	Alexander II	... Wight, Enquiry into the Rise and Progress of Parliament, 412.
	1250	Alexander III	... Ib. 411.
Kinghorn	... 1285	Do.	... Reg. Magni Sigilli, 1, 51.
Lanark	... 1227	Alexander II	... Renwick, Records of L. 307.
	1285	Alexander III	... Ib. 308.
Newburgh	... 1266	Do.	... Chart. of Lindores Abbey, 8.
Rutherglen	... 1214-48	Alexander II	... Mun. Corp. Comm. Rep. (S), II, 9. (App.).
Stirling	... 1226	Do.	... Renwick, Ch. of S. 6.
	1227	Do.	... Ib. 9.

IRELAND

Carlow	... 1223	William Marshall II	Chartae Hiberniae, 37.
Cashel	... 1230	earl of Pembroke	
(co. Tipperary)		Marian abp of Cashel	Ib. 21.
Clonmel	... 1299	Edward I	... Ib. 38.
Cloyne	... 1249-64	Bp Daniel II	... Caulfield, Rot. Pip. Clonensis, 36.
(co. Cork)			
Cork	... 1242	Henry III	... Chartae Hiberniae, 24.
	1291	Edward I	... Ib. 36.
Drogheda	... 1229	Henry III	... Ib. 20.
(co. Louth)	1253	Do.	... Ib. 28.
	1305	Edward I	... Ib. 41.
Drogheda	... 1247	Henry III	... Ib. 25.
(co. Meath)			
Dublin	... 1221	Do.	... Gilbert, Historic Docs. 76.
	1229 (a)	Do.	... Ib. 89.
	1229 (b)	Do.	... Ib. 91.
	1229 (c)	Do.	... Ib.
	1252	Do.	... Ib. 126.
	1280	Do.	... Chart. Roll, 8 Edw. I, no. 38.
	1285	Do.	... Foedera (R), 1, 661.
Kells	... Before 1247	John fitz Geoffrey	Chartae Hiberniae, 17.
(co. Kilkenny)			
Kilkenny	... 1223	William Marshal II	Ib. 34.
Kilmaclenine	... 1251 (a)	Bp Daniel II	of Rot. Pip. Clonensis, 17.
(co. Cork)		Cloyne	
	1251 (b)	Gilbert dean of	Ib.
		Cloyne "et senior	
		pars capituli"	

<i>Kilmeadan</i>	... 1216-72	Henry III	... Eng. Hist. Rev. xv, 515.
(co. Waterford)			
<i>Limerick</i>	... 1292	Edward I	... Chart. Hiberniae, 36.
	1303	Do.	... Ib. 40.
<i>Moone</i>	... 1223	William Marshal II	Cal. Justiciary Rolls, I, 369.
(co. Kildare)			
<i>New Ross</i>	...c. 1279	Roger (Bigod) earl of Norfolk	Chart. Hiberniae, 84.
(co. Wexford)			
<i>Rathcool</i>	... 1228-56 (a)	Luke abp of Dublin	Chartae Hiberniae, 24.
(co. Tipperary)	1228-56 (b)	Do.	... Ib. 33.
<i>Rathmore</i>	... 1215-57	Maurice fitz Gerald	Vol. I.
(? co. Kildare)			
<i>Rosbercon</i>	... 1289-95	Gilb. earl of Gloucester	Ib. 39.
(co. Kilkenny)			
<i>Trim</i>	... 1290	Edward I	... Ib. 36.
(co. Meath)			
<i>Waterford</i>	...c. 1230	Henry III	... Ib. 21.
	1232	Do.	... Ib. 22.
	1267	Edward son of Henry III	Ib. 31.

4. Critical Notes

Notes are only given where the date to which an undated charter is assigned seems to require explanation or where the document raises some other point of importance. The frequent errors of date in local histories due to confusion of the old and new styles and to inaccurate conversion of regnal years have usually been corrected without comment.

Aberavon. Mr Ballard took the date 1288-1313 for Leysan ab Morgan's charter from Mr G. T. Clark's article on the lords of Avan or Aberavon in *Arch. Camb.* 3rd ser. XIII, 1 ff. There were three of this name in different generations in the thirteenth century, the second of whom granted another charter (1249) to the town which was formerly (with this) in the possession of Mr H. Hussey-Vivian, but does not seem to have been printed. The grantor's description of himself as son of Morgan *Vachan* appears to identify him with the son of the Morgan so called who died in 1288 (*op. cit.* 11). As the "dominium comitis Gloucestrie et Hertfordie" is mentioned in one clause, the inferior limit in that case is the death of the last earl which Clark curiously placed in 1313. He was killed at Bannockburn in the following year.

Abbots Bromley. Abbot Richard de Insula, the grantor, received the royal assent to his election in June 1222 (*Mon.* III, 34) and the last clause of the charter (II A 6) fixes 30 Nov. 1222 as the date from which the burgesses were to take estovers in Bromley Wood. Henry de Audley witnesses as sheriff, an addition to the P.R.O. list.

Barnard Castle. Hugh de Balliol died in 1228 or 1229 (*Exc. e Rot. Fin.* I, 83).

Berkeley. Mr W. St Clair Baddeley informs me that the originals of the charters of Thomas and Maurice de Berkeley are not known to

be in existence, but copies on vellum were at Berkeley Castle in the early years of the last century, and may still be there, though at present they cannot be found. Transcripts of them were made for the fifth earl of Berkeley (*d.* 1810). From these Mr Ballard's copies were presumably derived, directly or indirectly. Mr Baddeley has enabled me to detect some errors by the loan of his corrected copies. Thomas de Berkeley's charter is dated "about 20 H. 3" by Smyth (*Hundred of Berkeley*, 84).

Brecon. The Brecon charters as given in Rawlinson MS. 465 are imbedded in a series of *inspeximus*, the earliest of which is that of Humphrey de Bohun, earl of Hereford, Essex and Northampton (1361-73). He inspects (1) a charter of his *proavus* dated 1270; (2) one of his *abavus* undated; (3) one of his *avus* also undated. All bore his own Christian name. The *proavus* of (1) is "the good earl" (1220-75), the word being used in its occasional classical application to an *abavus*, or more remote ancestor. The grantor of (2) is shown by the order and the witnesses, who include Ralph de Toeney (1277-94), Richard Talbot (1274-1306) and Roger Mortimer (1247-82), to be his grandson and successor (1275-98). *Abavus* is therefore used here in the unusual sense of greatgrandfather. The date of the charter is 1277-82. It has hitherto been attributed to the grantor of (1) (Jones, *Hist. of Brecknock*, I, 69) and an error in the date of the latter has been supposed, without other ground. Lewis dates it 1276 (*Topogr. Dict. of Wales*, I, 100).

The *avus* of (3) was the fourth Bohun earl (1298-1322).

Bridgetown Pomeroy. The charter preserved among the duke of Somerset's deeds at Maiden Bradley near Bath (tr. in *Hist. MSS. Comm. Rep.* xv, pt. VII, pp. 134-5) is the lord's counterpart of a chirograph agreement with the burgesses of a new quarter (*nova villa*) of the town. It begins:

Anno domini m^occ^olx^o octauo. In festo sancti Michaelis facta fuit hec conuencio inter dominum Henricum de la Pomeraye filium Henrici de la Pomeraye et Margarete de Vernun ex una parte et burgenses suos de Brigg' ex altera in hec verba:

This counterpart is stated in the sealing clause to have had the seals of Sir Roger de Praule kt., Benedict le Bon and Richard vicar of Berry (Pomeroy) affixed by common consent and assent of the burgesses. These have been lost. The burgesses' part of the chirograph with the lord's seal seems to have shared the fate of the charter founding the borough granted by Henry de la Pomeray, father of the grantor.

Cambridge. The day of the month, 30 April, to which the two charters of 1227 are assigned in the *C.C.R.* I, 33, requires correction. Owing apparently to the loss of a preceding membrane, unsuspected when the calendar was made, the *de eadem dat.* of the two enrolments

was held to refer to the charter actually preceding them on the roll. The originals at Cambridge show that the real date was 21 April. A sixteenth century copy of the first of these, confirming king John's charter of 1201, which is entered in the White Book of the city of Lincoln (f. 150) has by an obvious slip the date "xxj die *Novembris* anno regni regis xj^{mo}."

Camelford. The confirmation charter of Henry III was granted on 12 June 1260 (*C.Ch.R.* II, 26). The editor in the *Reports of the Royal Institution of Cornwall* dates earl Richard's charter 1259, but as he also misdates the year of the confirmation as 1259, he probably only means that the earl's charter being "lately made" when confirmed was granted in the same year, which is perhaps not a certain inference.

Carlow. The witnesses to this and the identical charter to Moone, are largely the same as those of the second William Marshal's charter to Kilkenny granted there 5 April 1223 and they are clearly of about the same date (Orpen, *Ireland under the Normans*, III, 49). The date given by Miss Bateson for the Moone charter and implied for that of Carlow is too early by a dozen years (*B.C.* I, xxi, xl).

Carmarthen. The date of the lord Edward's charter to the borough lies between his investiture with his Welsh fiefs in 1254 and his father's confirmation of the charter on 4 February 1257. As Peter of Savoy, the first witness, was abroad from 1253 to 1256 at least, the actual date must be near the lower limit, unless the grant was made when Edward and Peter were both in Gascony in 1254-5. It is possibly significant that two other witnesses John fitz Geoffrey and William de Pemis attested Edward's charter to Bergerac executed in that town on 16 January 1255 (*C.Ch.R.* I, 448).

Castle Rising. The long list of liberties printed in English from an Elizabethan inquisition in Blomefield and Parkin's *History of Norfolk* (ed. 1808, IX, 49) and there described as a royal charter granted to Hugh de Albini, earl of Arundel and Sussex, between 1233 and 1242 were probably not the subject of a single charter given by Henry III. A more correct 15th century version with some divergencies is contained in a parchment roll belonging to Mr H. L. Bradfer-Lawrence of King's Lynn at the end of a translation of an inquisition, taken between 1275 and 1290, into the Norfolk franchises of Roger de Mold (*de Monte alto*) who held Castle Rising as the grandson of one of Hugh de Albini's sisters and heirs. Its heading (omitted by Parkin) is: "Theis be the privileg and ffrancyces graunted to Hughe Albinaco Erle of Arundell lord of Rysing be the king (*sic*) charters the which privileges and ffrancises the burgesses of Rysing clayme to hould and haue of the said Earle of Arundell." The grant of fair and markets is omitted as among the lord's franchises already stated and the two final clauses in Parkin's

copy do not appear. A Latin copy is said to survive among the deeds of Colonel Howard at King's Lynn. It is possible that the claim of the burgesses was not in the inquisition of 1275-90.

Chard. Mr Emanuel Green who translated the charters of bishops Jocelin and William II in *Proc. Somerset Archaeological and Natural History Society*, xxviii (1883), 48-51, misdates the former 1234 and the latter 1253 (a confusion between William I and William II). The exact year of bishop William's grant is uncertain because the date of his consecration in 1267 is unknown. If it was before June 13th the year (the fifth of his consecration) is 1271, if after, 1272.

Chester. In his charter of 1233-7 earl John le Scot refers to a "great charter" of his uncle earl Ranulf, granted when he was earl of Chester and Lincoln (1217-32), which confirmed the liberties and free customs enjoyed by the citizens in the time of his ancestors and to which for greater security he had affixed his own seal in addition to that of Ranulf. Three charters of Ranulf are preserved at Chester and printed in vol. I. The two dated by Mr Ballard 1190-1212 (*a*) and (*b*) (the date might be narrowed to 1200-8) are too early for either of them to be the charter in question, though curiously enough 1190-1212 (*a*) has John le Scot's seal as well as the grantor's (Morris, *Chester in Plantagenet and Tudor Reigns*, 482, 486) while 1190-1212 (*b*) is the only one of the three the contents and length of which answer to earl John's description. The third charter, which Mr Ballard ascribes to 1208-26, Hugh abbot of Chester being the first witness, so far as its attestations go, could be a charter of Ranulf as earl of Chester and Lincoln and is described as such in Henry III's *inspeximus* of 1239 (*C.Ch.R.* I, 247). The grantor, however, describes himself merely as earl of Chester, and its contents do not correspond to the indications given by earl John¹. It has no surviving seal. It could only just have complied with the condition as to date, for Thomas le Despenser, one of its witnesses, died in 1218, and it would be disconcerting for dating reasons to find Ranulf not always using his new title.

On the whole, then, the facts seem to point to a lost charter, but the silence of the *inspeximus* of Henry III and Edward I as to any fourth charter is surely fatal to this supposition. If that be so, the statement in the charter of John le Scot is extraordinarily inaccurate.

Crail. The lost charter of Robert I, from which a clause is given in English, was dated 1306 by the Municipal Corporation Commissioners, and though the first troubled months of Robert's reign seem

¹ They would, if Mr Ballard were correct in assigning to it the clause he prints in vol. I, p. 9, but this really belongs to the charter which he dates 1190-1212 (*b*).

hardly a favourable time for charter giving, there are no means of checking their statement.

Chipping Campden. The grant of a market and fair for Campden to Roger de Somery in 1247 seems to fix the date of his charter, which was confirmed by Henry III, between 30 July 1247 and 16 April 1249, the date of the confirmation.

Chipping Sodbury. The rough date given to the charter of William le Gras (Crassus), son of William le Gras junior, confirming the grant of his uncle William le Gras "primogenitus," is arrived at as follows: William le Gras junior witnessed an agreement in Ireland in Feb. 1241 (Hore, *Wexford*, III, 61) but his son had succeeded by 1247 (Orpen, *Ireland under the Normans*, III, 94). The lower limit is purely conjectural.

The date of the grant by Jordan Bishop, lord of Little Sodbury, is before 9 Edward I, when his grandson John was in possession of that manor (Rudder, *Gloucestershire*, 673).

Cinque Ports (The). The view of Dr Round stated in his article on "The Cinque Port Charters" (*Feudal England*, 563 ff.) that this maritime confederation came into existence later than the reign of John, who gave separate (though simultaneous) charters to the towns in 1205, has been refuted for that reign by M. Petit-Dutaillis (*Studies Supplementary to Stubbs*, 87) and the confederation has been shown by Mr Ballard to have been already in existence for some purposes in the early years of Henry II's reign (vol. I, p. 184).

Dr Round was also mistaken in describing the great charter of 1278 as the first granted to the confederation as a whole, a distinction which belongs to the charter of 1260. A curious survival of the older method is seen in the grant of letters patent in 1298 both to the confederation and to the individual towns, in identical terms, *mutatis mutandis*, except that the clause allowing exemption from the royal right of marriage, when due from those holding tenements without the liberty, was omitted from the Sandwich charter. Faversham in 1302 received a separate regrant of the general confirmation charter of 1290.

Clitheroe. Harland places Henry de Lacy's first charter between 1273 (*rectius* 1272) and 1283-4 adding that 1283 when the earl and most of the witnesses were in Lancashire was a likely date. His reasons for making 1284 the inferior limit are not clear, and I have thought it safer to substitute 1291 when Robert Banaster, one of the witnesses died. Another, John de Heriiz, was dead by 1292 (*V.C.H. Lancs.* VI, 559 n.).

Congleton. The date of Lacy's charter falls between the year 1272, when he was invested with the earldom of Lincoln, and 1274 or shortly after. Robert de Stockport, one of the witnesses, last appears in July, 1274 (*Chester Chartulary* (Chet. Soc.), 432).

Coventry. The grant of a merchant guild to the Prior's Half was so violently resisted by the men of the Earl's Half that it never took effect (Dormer Harris, *Life in an Old English Town*, 61-2).

Drogheda. In the fourth volume of his *Ireland under the Normans* (pp. 311-2), Mr Orpen points out that in my review of his first two volumes in the *English Historical Review*, I was mistaken, following Miss Bateson (*E.H.R.* xv, 311), in asserting that the name Drogheda Bridge (*Pons de Drocheda*) was confined to the part of the town lying north of the Boyne in Uriel (co. Louth) and in referring king John's charter of 1213 to the northern town only. As Drogheda in Meath was then in the hands of the crown, he regards the grant as a royal confirmation of the charter which Walter de Lacy had given to the southern town in 1194. Mr Ballard, like myself, had accepted Miss Bateson's view on this head (vol. I, p. xxxiii).

Ellesmere. The charter of Joan of Wales was apparently among the Bridgewater charters when Owen and Blakeway wrote their *History of Shrewsbury* (I, 89), though it is not especially mentioned in Macray's report on them for the Hist. MSS. Comm. (11th Rep. App. VII (1888)), and presumably was included in the recent sale of the charters to an American bookseller. There is some reason to believe that it may now be in the possession of Mr Huntington, the well-known banker.

Exeter. Richard, king of the Romans, granted two charters, which are practically identical, to Exeter in the third year of his reign, the first at Mere in Wiltshire dated 25 May 1259, third year¹, and the second at London on 7 November, third year. His reign had begun on 13 January 1257. Henry III's confirmation of the latter is however dated 6 November 1259 (*C.Ch.R.* II, 25; *C.P.R.* 1377-81, p. 292). There seems, therefore, to be an error in the day of the month in one or other. They were executed so close together that a mistake might easily occur².

Faversham. The *inspeximus* of 1316 is given as the source and supplies the words "de Dover" omitted by Mr Ballard, who, however, seems to have followed some other copy, unknown to me, which had a slight verbal variation at the end. The letters patent are not entered on the roll of 46 Henry III.

Hartlepool. Gross, perhaps misled by Petyt, whom he quotes, dates Henry III's *inspeximus* of bishop Poore's charter in his nineteenth year (*Gild Merchant*, II, 106), but Edward III's *inspeximus* proves that its date was 2 July 18 Henry III, *i.e.* 1234. On the same day he regranted John's charter of 1201.

Helmsley. The editor of the *Rievaulx Chartulary* (p. 172n.) attributes

¹ The Mere charter refers to the time "before Walter Galun, our bailiff, took the city into our hands."

² The originals at Exeter are dated as above.

this charter to the second Robert de Ros (c. 1186-1227), and with this date most of the witnesses seem to be consistent. Walter, prior of Kirkham, who heads the list is not otherwise recorded, unless Dugdale's William, 1190, is an error for Walter. If this be not so, the date would seem to be towards the close of Robert's life.

Helston. For the date of the first charter see Gross, *Gild Merchant*, II, 108. The second is dated 6 January, third year (of the reign of Richard, king of the Romans), *i.e.* 6 January 1260.

Kells (Kilkenny). The grantor, John fitz Geoffrey was younger brother and heir of William fitz Geoffrey who succeeded his father in 1210, but the date of whose death is not known. John was dead by 1247 (Orpen, *Ireland under the Normans*, III, 94).

Kendal. The date of the charter, which is in the custody of the corporation, lies between 20 February 1247, when Kirkeby was assigned to Brus (*Exc. e Rot. Fin.* II, 7), and 28 September 1272, when a writ of *diem clausit extremum* issued for the lands of Brus (*ib.* 582).

Kinver. The grantor, John son of John fitz Philip, was living in 1293 (*Salt. Soc.* VI, i, 257), and his father had succeeded to the fief between 1215 and 1228 (*ib.* II, 166; IV, i, 59). A date in the second half of the century is therefore probable, and this is supported by the fact that three of the witnesses, Richard de Eversfield, Henry de Prestwood and William de Whittington, were jurors for the hundred of Seisdon in 1272 (*ib.* p. 208). The above note is Mr Ballard's.

Kirkham. The miserably poor copy of the charter of 1296 from which Fishwick made his transcript was then in the custody of the bailiff, but is apparently not in the possession of the urban district council, which dates from 1894. A seventeenth century transcript kindly lent me by Dr Farrer has made possible the correction of some errors and the filling of some gaps, but is not itself entirely trustworthy, as it translates what was clearly *liberum burgum* by "free market."

Laugharne. The date of the charter of Guy de Brionne (Brian) junior is almost certainly 1278-82. The first witness might indeed be the Patrick de Chaworth who died in 1257 and not his second son whose dates have just been given. But the grantor refers to Guy de Brionne senior and this must be the Guy, son of William, whose homage was taken by Henry III in October 1244 (*C.C.R.* 1242-7, p. 230). Guy the elder was, no doubt, the husband of Eve, daughter of Henry de Tracy (1215-74), by whom he had a daughter Maud who carried the Tracy fief to her husband Geoffrey de Camville, another witness of the Laugharne charter. The grantor may be safely identified with the Guy who died in 1307, leaving a son and heir, aged upwards of twenty-four (*Calendarium Genealogicum*, II, 734).

Leek. As stated in the critical note to earl Ranulf's charter in vol. I, the superior limit of date for that of abbot Richard (of Dieulacres) is fixed to 1224 by the attestation of the earl's gift of Leek to the abbey by Alexander, bishop of Coventry and Lichfield (1224-38). Only the clauses in which the abbot's charter differs from the earl's have been included.

Leicester. The limits of date of Simon de Montfort's undated release by agricultural payments, etc., in which he is not described as earl, are 1231 when he received seisin of his lands and 1239 when he was formally invested with the earldom. Miss Bateson accidentally placed this charter after his charter of 1239 as earl.

Lichfield. Lichfield is incidentally mentioned in a legal decision of 1225 as a borough having the law of Breteuil (*E.H.R.* xv, 315). Mr Ballard was, of course, guilty of an anachronism in accepting the decision that the law excluded the assize of *mort d'ancestor* (*ib.* xxx, 654). As a matter of fact, the judgement laid more stress upon "the custom of the borough" than upon the law of Breteuil.

Lincoln. The reference in *Hist. MSS. Comm.* 14 *Rep.* App. VIII, 5 to the White Book of the city (f. 150) for a grant of exemption from tolls dated 21 November 1226 is an error. The grant is part of a charter to Cambridge copied there. See above s. Cambridge.

Llanfyllin. The charter of Llewelyn ab Gruffydd ab Gwenwynwyn is in identical terms with that of Welshpool, on which see note below.

London. Birch, in his *Historical Charters of London*, following Luffman's *Charters of London* (1793), 64-7, duplicates the grant of the new clauses (permission to present the mayor to the constable of the Tower in the absence of the king and the barons of the exchequer, etc.) in the *inspeximus* of 17 April 1299 under the earlier date of 26 May 1298. But the dating clause obviously does not belong to any such charter, but to a writ announcing the restoration of the liberties and mayoralty to the citizens which took place on 10 April in that year (*Foedera* (R), I, 892). Easter falling on 19 April in 1299, the *inspeximus* would, in the old style, be dated 1298 and so got confused with a document eleven months older.

Looe, West. The statement that Richard of Cornwall's charter to Odo de Treverbyn was witnessed by his brother the king at Porchester on 22 September points to the end of September 1243 as the date, for Henry does not seem to have been at Porchester in the autumn in any other year. It is true he only landed at Portsmouth on the 27th (Pauli, *Gesch. Englands*, III, 653), but there may have been a confusion between *septimo* and *secundo*. In any case, 1256, before Richard became king of the Romans, is the latest possible date.

Hugh de Treverbyn granted a charter without date to his burgesses of Porthbyhan which may belong to the latter part of the thirteenth century or beginning of the fourteenth. A translation with *lacunae* is printed in Bond's *History of Looe*, 51. It quitclaims a payment probably from the brewers of the town and grants "all the libertyes and antient customs which other the free burgesses in Cornwall have, viz. Helstone and Lancelston."

Montgomery. The date of Hubert de Burgh's charter lies between 28 November 1228, when he received a grant of the town with the castle, vale and honour, and 6 October 1229 when Henry III inspected and confirmed his charter (*C.Ch.R.* I, 81, 101).

Morpeth. Hodgson, in his *History of Northumberland* (II, ii, 481 ff.), prints four charters of Roger de Merlay III, who held the barony from 1239 to 1266, which he does not venture to date more closely except that he places the first in order at the beginning of Roger's time. The date of the third, however, can be narrowed to 1246-62 by the signatures of Adam abbot of Newminster and Roger Bertram of Bothal.

Nether Weare. In Edward I's charter to Anselm de Gurney for his borough at Nether Weare, given in an *inspeximus* of Henry V, the grantee is described as "militi nobiscum in obsequio nostro in partibus Scotie commoranti." As this seems difficult to reconcile with the date of the charter as given in the *inspeximus*, 7 Edward I, 1278-9, Miss Bateson suggested a possible mistake for 30 Edward I, but, whatever may be the explanation of the difficulty in question, it cannot be so resolved, for Anselm died in 14 Edward I, 1285-6 (*Cal.Inq.P.M.* II, 357). It is curious that John ab Adam his son's son-in-law obtained a license for a market and fair "at his manor of Netherwere" in 1298 (*C.Ch.R.* II, 471).

Newcastle-under-Lyme. In his critical notes in the first volume Mr Ballard called attention to the erroneous assignment of the charter of 19 Hen. III (1235) to 19 Hen. II (1173) which has introduced confusion into the early municipal history of Preston. The error was due to the false assumption that the grant of the liberties of Newcastle to Preston in 1179 (vol. I, p. 27) must refer to this charter. Error seems to have dogged this charter for an official copy of 1635 printed by Farrer (*Lancs. Pipe Rolls*, 414) contains an insertion in the toll clause and an impossible set of liberties intruded in the volumus clause. Neither of these additions is found in the copy on the Charter Roll (*Cal.* I, 213), in that on a Plea Roll of 1280 printed by Gross (*G.M.* II, 178) or in an exemplification of 1344 which was at Preston until a few years ago when it was returned to Newcastle. The unkind suggestion of Dobson and Harland that Richard Kuerden the Preston antiquary "tagged on to

the charter clause 3 of the (Preston) Custumal" is refuted alike by the fact that Kuerden was only 12 years old in 1635 and lived near Preston, while the inflation must have been made at Newcastle, and by the dissimilarity of clause 3 to the insertions. Even Mr Ballard seemed infected by this atmosphere of confusion and described Dr Farrer's transcript as taken from a copy in the Preston archives of which the original is lost, whereas it was printed from the original official copy of 1635 preserved among the Harley MSS. in the British Museum.

Newport (Kemmes). The dates assigned by Mr Ballard to the two charters of Nicholas son of William fitz Martin were arrived at by comparison of their witnesses with those of other charters of Nicholas in the *Baronia de Kemeys*. They are approximately correct. The *Munic. Corp. Report*, 1835 attributed the first charter to an impossibly early date, 1192, and was copied by Lewis (*Topogr. Description of Wales*, II, 261). Miss Bateson seems mistaken in ascribing the date 6 Edward I (1277-8) for the second to Lewis (*E.H.R.* xv, 521), but it may well be correct.

New Ross. Mr Hore dates Roger Bigod's charter 1274, but does not give his authority (*Old and New Ross*, 114). It seems more likely to have been granted when he was in Ireland in 1279-80 (*ib.* 142; Orpen, *Ireland under the Normans*, IV, 20).

Nova Villa. On 7 January 1286, Edward I appointed two commissioners to lay out, with sufficient streets and lanes, and adequate sites for a market and church and plots for merchants and others, a new town with a harbour in a place called Gotowre super Mare, in the parish of Studland and on the king's land (*C.P.R.* 1281-92, p. 217). In accordance with a promise then made, a charter was granted to the new burgesses on 10 May following which bestowed upon them all the liberties of London as set forth in the charter which Melcombe (Regis) had received six years before (*C.Ch.R.* II, 337). A license for two weekly markets and a yearly fair accompanied this grant.

Nothing more seems to be known of the new town, and when Treswell's map of the Isle of Purbeck was drawn c. 1585-6, it was already represented, as it is still, by a single farm called Newton, a mile east of Ower (Passage) on the south shore of Poole Harbour (Hutchins, *Hist. of Dorset*, 1861, I, 462, cf. 652). The Gothorne of the map (now Goat-horne), a mile east of Newton, may be the Gotowre of 1286.

Pembroke. Henry III's confirmation of his grandfather's charter in 1256 gives only the first clause of a long and remarkable document preserved in an exemplification of 1368 by Adam bishop of St Davids (*C.P.R.* 1377-81, p. 106), the text of which was followed by Mr Ballard in vol. I. The "Dei gratia" in the address is inconsistent with a date earlier than 1173. Unfortunately, the witnesses are not recorded.

Rathmore. The charter of Maurice fitz Gerald, baron of Offaly, is printed in vol. I, where it is assigned, following Miss Bateson, to 1195–1257, but Maurice did not obtain seisin of his heritage until 1215, and the probabilities are against the charter having been granted in his first year of possession.

“**Ravenserod.**” Ravenserod(d) or (later) New Ravenser, in Easington, Holderness, like its near neighbour to the south, (Old) Ravenser, in Kilnsea, has long been a lost port. Frost, the historian of Hull, misled by a pipe roll spelling assigned the charter of 1299 to the latter, but admitted inconsistently that the *inspeximus* of 1312 (*C.Ch.R.* III, 187) was obtained by Ravenserod (*Notices relative to the history of Hull*, 54). It was a borough as early as 1240 and came into the possession of Edward I as part of the honour of Albemarle.

Richmond. Gale attributes a confirmation of the charter of 1268 to Edward I in the third year of his reign, 1275 (*Reg. Honoris de Richmond*, App. 209). He has confused that king with his grandson, the real date of the *inspeximus* being 30 June 1329 (*C.P.R.* 1327–30, p. 402).

Rochester. In the appendix to the eighth report of the Hist. MSS. Comm. p. 286, the charter of 1266 is said not to be a confirmation of that of 1227, on the ground that the latter fixes the fee farm at £25 while the charter confirmed had £20. But a mistake at the former date is more likely than a lost charter otherwise identical with the two that are known.

Rosbercon. The date of Gilbert of Gloucester’s charter lies between September 1289 when one of its witnesses Michael de Exeter became bishop of Ossory (Cotton, *Fasti Eccl. Hib.* II, 272) and December 1295, when Gilbert died.

Saltash. Mr Ballard dated this charter 1246, but as Reginald de Vautort or Valletort II died 1245–6 (Dugd. *Baronage*, I, 522) and there seems nothing in the document to fix its date to the last year of his life, I have substituted “before 1246.”

“**Skynburgh.**” The charter granted to the abbot and convent of Holme Cultram on 12 February 1301, making their vill of Skynburgh a free borough, etc., cancelled one of the previous year, identical in its terms except that it contained no stipulation for the free access of merchants and the vill was described as Wavermouth (*C.Ch.R.* II, 488). Mr W. G. Collingwood suggests that this was only an alternative name for Skynburgh or Skinburness, the port of which had been made active by Edward I’s Scottish wars. In that case, it was a loose description if, as some have thought, the port was on the Solway Firth not on the Waver estuary (Ferguson, *Hist. of Cumberland*, 72), and even if this was not so, it may have been thought insufficiently precise.

The name Skynburgh is not recorded earlier than 1301, but Mr Col-lingwood thinks it may be old and refers to the Roman fort which has been strongly suspected to have formerly stood in that vicinity (*ib.*). In bishop Halton's license of August 1301 for the erection of a church or chapel, it is called "villam sive burgum vestrum juxta portum de Skinburnese" (*Halton Reg.* (Canterbury and York Society), I, 161). In the parliament of February 1304 the abbot presented a petition, reciting that his vill of Skinburnese with the road leading to it had been washed away by the sea and asking for the removal of the market and fair, for which he had paid 100 marks, to Kirkby Johan (now Newton Arlosh) on the eastern side of the Waver estuary (*Rot. Parl.* I, 161 b). In response to this curiously limited request, he received a new grant of free borough, etc., in the same terms as for Skynburgh "including the market and fair" (*C.Ch.R.* III, 55).

Tenby. The charter of William de Valence is printed by Miss Bateson from a royal *inspeximus* in 1375 of successive *inspeximus* by William's son Aymer on 24 April 1323 and Lawrence de Hastings 27 February 1342 (*C.P.R.* 1374-7, p. 114). It is undated. Mr Ballard's limits of date for this charter are 1265-94. The attestation clause points to a date in the early part of Edward I's reign. The first witness, Roger de Waldeshuf, master of the Hospitallers' commandery of Slebech, occurs in that capacity 1276-82 and was succeeded before 1294 by William de Tothale (*C.P.R.* 1272-81, p. 139; 1281-92, p. 14; 1292-1301, p. 116). Sir Stephen de Edworth, steward of Pembroke, attested before 1282 along with Llewelyn Goch, constable of Kemeys, who appears in a charter dated 1281 (*C.Ch.R.* II, 373; *Baronia de Kemeys* (Arch. Cambrensis), 55). If Edmund Gacelyn, another witness of the Tenby charter, is he who held land in Wiltshire of the grantor, the date is probably after July 1282 when he succeeded his father Geoffrey (*Cal.Inq.P.M.* II, 243, 382).

Tintagel. Bossiney formed one manor and one borough with its neighbour Tintagel and gave its name to the parliamentary borough created in 1551-2 (Maclean, *Trigg Minor*, III, 191, 205, 211).

Utttoxeter. Neither the original charter nor a full transcript seems to have survived, but several clauses are given in an abbreviated form in Harl. MS. 2060, f. 16 (old 24). There are printed translations in (Mosley's) *History of Ashbourne*, pp. 302 ff., and Redfern's *History of Utttoxeter*, 2nd ed., pp. 98-100 (a seventeenth century version by Peter Lightfoot). These writers date the charter in 1251, but it was granted on 15 August 36 Hen. III, *i.e.* 1252.

Warenmouth. Warenmouth, the port of Bamburgh, was created a borough shortly before the royal charter of 1247 by William de Herun

constable of Bamburgh Castle. The only surviving trace of it is the farm of Newton in Budle (*Hist. of Northumberland*, I, 177 n., 194). By a confusion of the name with Wearmouth, Summers printed the charter in English in his *History of Sunderland* (p. 231) as a grant to "the new borough of Wearmouth" or Sunderland, and thus led Gross into one of his few mistakes (*Gild Merchant*, I, 15; II, 388). The confusion was as old as the seventeenth century (cf. Summers, *loc. cit.*).

Welshpool. Edward I, fearing the competition of the market and fairs of Welshpool with those of Montgomery, insisted in 1279 on their removal to Trefnant, but three years later was induced to rescind his decision (*C.Ch.R.* II, 211, 263). There is no mention of a borough in these documents. May we conclude that it was founded after 1282? The charter of the founder's son to Llanfyllin is wholly, and that of Edmund earl of Arundel to Ruyton in Shropshire (*E.H.R.* xv, 317) nearly, identical with that of Welshpool.

Westche[a]p. Mr Richard Holmes dated earl Edmund's charter "about Easter 1258" (*Pontefract* (1878), 129) on the ground that "the seal is evidently the same as that used for a grant to Roche Abbey dated Easter 1258 (*Mon. Angl.* v, 503), and three out of the six witnesses also occur in the Roche charter." This is not very convincing and I have preferred the wider limits 1255-8 (*Yorks. Arch. Soc. Journ.* I, 170). The name Westcheap has long been obsolete, but Mr Holmes suggests that this charter practically incorporated the west end of the town with the east.

The grantor received a grant of a Wednesday market and three days' fair at Holy Trinity for Tanshelf in August 1257 (*C.Ch.R.* I, 472).

Worcester. For the possibility of a lost charter or charters between 1256 and 1264, see *E.H.R.* xxxv (1920), 560.

Wotton-under-Edge. I have not come across the Latin form of the short charter given in English by Smyth in his *Lives of the Berkeleys* (I, 118). He uses the phrase that Joan de Berkeley, the grantor, "agreed with the inhabitants by the name of her free burgesses of W. that...."

Yeovil. The document, which is (or was) at Montacute House, is an agreement on points in dispute between the rector as lord of the town and the burgesses, sealed with his seal and those of twelve burgesses. Only an English abstract has been published.

II. THE BOROUGH IN THE THIRTEENTH CENTURY

The borough charters of the thirteenth century are to so large an extent confirmations of older privileges, or extensions of such privileges to new recipients, that so detailed a commentary as that with which Mr Ballard prefaced those of the twelfth century does not seem to be

called for. The less so because Maitland has left us a vivid picture of the salient aspects of municipal life and growth in the later period¹. It will be enough to note the more important novelties it presents and to furnish any supplement to Maitland's chapter which a wider survey of the charter material may suggest. A glance through the asterisked titles in the table of contents will give a rough general idea of the progress of the towns in this age, so far as it made itself visible in this class of document.

What we have to say may be conveniently arranged under three heads: (1) the meaning (or meanings) attached to the term borough in the period covered; (2) the royal boroughs; (3) the seignorial boroughs.

(1) **What was a borough?** If we hope to find a definition which will apply to the whole number of towns represented in this volume, 188 in England and Wales alone, ranging from the cathedral city and county town down to the petty community whose charter from some obscure lord fixed rents and amercements and a very restricted use of his pasture, perhaps only for "one sowe with her farrowe of pigs and one cove with her calfe," it must needs be somewhat attenuated. Writing of the towns of the twelfth century, Mr Ballard came to the conclusion that "two features and two features only can be predicated of every borough, the application of burgage tenure to all tenements within its borders, and the possession of a law court with jurisdiction over all the inhabitants of these tenements"². It may be doubted whether either or both of these tests will give us a perfectly clear-cut distinction between a vill which was also a borough, and a vill which remained a mere rural township.

Every borough had, indeed, a court and the court of the old royal boroughs was of pre-conquest origin, parallel with the hundred court and not infrequently so-called especially in the west and in Ireland, though with jurisdiction enlarged by custom and charter. But if the borough had a court, so had the manor, and the court of the seignorial borough, even when called a portmoot, was nothing but an adapted manorial tribunal. The mesne lord who granted a charter to his vill-manor, or founded a new urban community on part of it, could not concede greater rights than he possessed. If he was liberal, he might part with the whole or a portion of the control and profits of a manor court to the burgesses or even annex to the fortnightly or tri-weekly court with purely civil jurisdiction the higher criminal and police franchises which he usually enjoyed under the title of view of frankpledge and infangenthef or thief-taking. In the legal phraseology of a later age, the jurisdictional privileges of such a borough could not go beyond

¹ *H.E.L.* 1, 634-88.

² *The English Borough in the Twelfth Century* (1914), p. 30.

a court baron and a court leet. These, however, were common in mere rural manors. The real distinction in this sphere lay in the greater freedom of the urban community and in special legal privileges, such as a low scale of amercements, which it was within the power of its lord to bestow upon it.

Burgage tenure was more distinctive than the possession of a court. Dr Hemmeon, indeed, regards it as an infallible test of a borough. "Burgage tenure," he says, "was a distinguishing mark of a borough, for every borough must have it, and it could not exist outside a borough"¹. This latter assertion was questioned long ago by Maitland who instanced as exceptions the abbot of Malmesbury's burgages at Pilton in Devon and those of the abbot of Bec at Atherstone in Warwickshire². These cases are less convincing than he thought. He had forgotten for the moment that Pilton was not only a suburb of Barnstaple but originally its senior in urban standing, appearing in the "Burghal Hidage" of the tenth century as Pilton with Barnstaple. Atherstone was a market town and may have had a charter now lost. A more pertinent objection may perhaps be taken on the status of some market towns on ancient demesne. In the case of chartered towns like Basingstoke and Kingston-on-Thames, there is no real difficulty, though they were not formally called boroughs and their charters were granted to "liberi homines" not to "burgenses." They were treated as boroughs and must have had burgage tenure or something equivalent to it in the urban part of their area. But what was the position of such a small market town as Kingsthorpe in Northamptonshire?³ It never apparently received a charter, nor does it seem to have had any pretensions to be a borough⁴, yet it had burgage tenure, including that most characteristic peculiarity of borough land-law, the privilege of bequeathing tenements by will. Dr Hemmeon is inclined to ascribe such burghal traits to imitation, but in that case one would have expected Kingsthorpe to borrow from its near neighbour Northampton and this it can hardly have done in the matter of devise, since it allowed free bequests of all tenements not inherited without a first offer to the next of kin. This could not have been the rule at Northampton which was unique in forbidding the sale even of purchased tenements. On the whole, it seems more likely that at Kingsthorpe as elsewhere this peculiarity is traceable to custom older than the common law. Greater certainty may be attainable if documents such as were found in

¹ M. de W. Hemmeon, *Burgage Tenure in England* (1914), p. 157.

² *H.E.L.* 1, 640.

³ J. H. Glover, *Kingsthorpiana* (1883). For Kingston, etc. see above p. xx.

⁴ Since writing the above, a study of the small Lancashire towns in whose case no charter is forthcoming, but which had burgages and were seemingly called boroughs inclines me to lay rather less stress on negative evidence.

the church chest at Kingsthorpe become available for other small towns on ancient demesne. Another point which requires elucidation concerns the numerous royal grants of markets and fairs to the lords of ordinary manors which never rose to be boroughs or even important market towns. Did such grants ever lead to the introduction of features of burgage tenure, without a formal charter?

Even if burgage tenure and especially devise of land could be accepted as originally a certain test of a borough, we should have to admit that there were chartered towns possessing this tenure which ultimately failed to retain the status of boroughs. Manchester, for instance, though it had devise of land where there was no heir was definitely adjudged after an official enquiry in 1359 to be no borough. But by that time the crown had drawn a distinction between borough and market town which did not exist in the early part of the thirteenth century. It was not until national duties had to be imposed in fair proportion on the communities of the land that discrimination became necessary.

The writ which gathered the county before the justices in eyre in the middle of the thirteenth century required the sheriff to summon four men and the reeve from each vill and twelve burgesses from each borough. King John's grant in 1200 to the burgesses of Dunwich that they might send twelve men to the eyre to represent them all¹ does not suggest that the precise arrangement of the writ was of very long standing, while the permission given to Colchester (1189), and perhaps to other boroughs, to be represented by six men only² and the representation of a good many "manors" especially on ancient demesne by twelve³ must have gone far to obscure the line which was doubtless drawn between the greater and the lesser borough. The line was more sharply drawn by the writs which enforced the old obligations of watch and ward and the assize of arms. In 1233 the king had been content to require that the night watch in each small vill should be kept by four men at least and by a proportionately greater number in larger vills⁴. This was dangerously vague and in 1252 the much more precise allocation of the duty was introduced which was afterwards incorporated in Edward I's Statute of Winchester. Cities were to be watched by twenty-four men, six at each gate, boroughs by twelve, and each complete township (*villa integra*) by six or four according to size⁵. This seems definite enough. Many of the smaller seignorial boroughs would have found it an intolerable burden to set a watch of twelve all the year round. Moreover, the writ of 1252 drew the same line for a different

¹ Vol. I, p. 124.

² *Ibid.*

³ *H.E.L.* I, 640. But Maitland was unaware that Bakewell had a borough charter.

⁴ Stubbs, *Select Charters* (4th ed.), p. 362.

⁵ *Ibid.* p. 371.

but related purpose, the muster of the *jurati ad arma*, which in boroughs was entrusted to the mayor or to the bailiffs, where there was no mayor, and in all other vill to a new officer, called constable, or two, if the number of inhabitants and provisions of arms required it. When a royal commissioner was sent down in the following year to see these measures carried out, the reeve and four men from each vill and twelve burgesses from each borough were among those summoned to meet him¹.

From the instruction as regards the *jurati ad arma* we seem entitled to infer that seignorial boroughs which, like Manchester, appear afterwards with only one or two (petty) constables fell into the class of ordinary vill. When, therefore, Edward I summoned representatives of boroughs and *vill mercatorie*, i.e. merchant or trading towns² to his first general parliament in 1275, it is natural to suppose that the line of division was the same. We look then with interest at the returns of the sheriffs. Unluckily these only survive for ten counties and they are imperfect. Most of the *vill (villate)* whose names appear are towns which are not known to have received charters, such as Biggleswade, Birmingham, Tamworth and Uxbridge, but in the same category are placed Cricklade, Malmesbury, Shaftesbury and Coventry, the first three of which were Domesday boroughs and all of which had had charters. All four became regular parliamentary boroughs from 1295. On what grounds were they denied the rank of boroughs in 1275? It can hardly be because they were in the hands of mesne lords, for so was Downton (Wilts.) which appears as a borough. Were the sheriffs applying the criterion apparently implicit in the watch and ward regulations which would reserve the title of borough for those considerable towns which ranked as hundreds? Downton can never have been populous but it seems to have been originally a hundred hide manor³.

The distinction between boroughs and *vill mercatorie* was again made in the writs summoning the two provincial assemblies of January 1283, but the writs for all subsequent parliaments mentioned boroughs only. That this did not mean the total exclusion of such towns as had been represented as *vill mercatorie* in 1275 and 1283 is in itself probable in view of the fact that boroughs, whether royal or seignorial, were now taxed, along with the crown demesnes, at a higher rate than

¹ Stubbs, *Select Charters* (4th ed.), p. 374.

² The usual translation is "market-towns," but this is false etymology and imperfect fact. *Villa mercatoria* is a "town of merchants" as *gilda mercatoria* is a "guild of merchants" and *lex mercatoria* the "law of merchants." Mr Jenkinson has pointed out that *villa mercatorum* is sometimes written (*E.H.R.* xxv, 233, see also below p. liii). Fleta describes *vill mercatorie* as those "que habent jus nundinarum" and *jus feriarum* was almost a synonym for the law merchant. It is true that markets too had courts in which merchant law was, or might be, administered, but large trade was chiefly conducted in fairs (cf. Gross, *Law Merchant* (Seld. Soc.), I, Intro.).

³ *D.B.* I, 65 b.

the rest of the country. The king had a strong financial inducement not to draw the line of inclusion too high, and the large numbers summoned to the parliament of 1295 and some of its successors show that his wishes were conveyed to the sheriffs. Fortunately we are not left to conjecture alone on this point. The Pipe Roll of 1306 contains the clearance of the arrears of the 1/11 and 1/7 granted by the "Model Parliament" and under Hampshire after accounting for £1469. 8s. 11d. received "de xi^a totius com. Suth' eodem anno xxiii^o" proceeds: "Et de ccc.viii. vs. viid. receptis de vii^a burgi Wynton' et quorundam aliorum dominicorum regis et villarum mercatorum eiusdem comitatus eodem anno"¹. The towns, in addition to Winchester, which were represented in 1295 were Southampton, Portsmouth, Alresford, Andover, Basingstoke, Overton and Alton. Here even the three unquestionable boroughs seem to be reckoned as on the royal demesne, Andover and Basingstoke might come under the same head, but Alresford and Overton, of which the bishop of Winchester was lord, and Alton which belonged to Hyde Abbey must fall in the category of *ville mercatorum*. It is noteworthy too that the sheriff of Cornwall's returns in 1295 described the four chief towns of his county as *ville mercatorie*², though the title of borough was never afterwards denied to them. They were seignorial towns, but in other counties these were returned as boroughs. It would seem that by dropping *villa mercatoria* from the writs, Edward practically put a new and wider meaning on "borough" than that to which the sheriffs were accustomed, and some of them did not easily adapt themselves to the change. The discordance became less acute when they discovered that many of these smaller towns could not bear the burden of the increased tax and the wages of representatives and gradually ceased to send them a summons. Historians have been somewhat shocked to find sheriffs denying the existence of boroughs which they or their predecessors had recognised, but to the other excuses that have been offered for them, we may add that they were only working back to the narrower interpretation of "borough" which the crown had fixed in its watch and ward regulations, an interpretation which had the great merit of adjustment to size and population. For some time uncertainty and dissatisfaction prevailed and in the hope of fixing the list of towns liable to the higher rate of tax the sheriffs were called upon in 1316 to make a special return of the cities, boroughs and vills in their respective shires³. In the debateable sphere, however, it was on the whole a failure. The sheriff of Devon, for instance, returned no less

¹ Pipe Roll 34 Edw. I Hants. (end).

² *Parl. Writs*, I, 35.

³ The return, known as "Nomina Villarum," is printed (so far as it is extant) in *Feudal Aids*.

than nineteen boroughs (mostly seignorial) in addition to Exeter, only four of which remained parliamentary boroughs continuously, while the sheriff of Bucks. specified five, of which only one continued to be represented. Some places that were omitted afterwards received summonses.

The sheriff of Devon's comprehensive list carries us back to the general and popular sense of "borough" with which we started, the nearest approach to a definition of which is "a vill in which the tenelements were held by burgage tenure," if the term is stretched to cover the freehold tenure of the towns on ancient demesne and of some seignorial towns with charters and account is taken of the rent payments of the *censarii* and other non-burgesses. Not all boroughs in this wide sense had charters, but, subject to this deduction, this is the meaning attached to "borough" in the present volume.

Our experience of the varying senses of the term may approve the wisdom of M. Petit-Dutaillis in rejecting it as untechnical and ambiguous in favour of "town"¹, which, if vague and in the middle ages still more ambiguous, is now, except in America, free from this latter fault. However, that course is not open to us and we proceed to deal with the more salient features of the grants made to boroughs in the thirteenth century, and first to boroughs of which the king was lord.

(2) **Royal Boroughs.** The early charters of Henry III were, it will be remembered, mostly confirmations by regrant or *inspeximus* of the liberties bestowed by his predecessors, especially by John. Some of them contain a few additional clauses, but these are not usually novel. Shrewsbury, along with a unique exemption from carrying writs of summons or the like for the sheriff², was granted four of the privileges bestowed upon Hereford in 1215: (a) a *non-intromittat* clause excluding the sheriff from town pleas³; (b) a merchant guild with monopoly of trade⁴; (c) the protection of the villein from recovery by his lord after residence as a burgess for a year and a day⁵; (d) a general quittance from tolls⁶. The same clauses were given to Worcester, along with the extinction of a prise of ale in return for an increase of its farm⁷. Clauses (a) and (c) were also received by Gloucester. The burgesses of Lincoln were allowed to revert to the old practice of retaliation on the fellow-townsmen of those who took illegal toll from them, for which a fine had been substituted in 1200 and had seemingly not worked well⁸. All these grants were made in 1227. Two years later, Norwich obtained new clauses compelling all residents sharing in their liberties to pay tallages

¹ *Studies Supplementary to Stubbs*, I, 68.

² II B 12.

³ III 4.

⁴ V A 10.

⁵ IV A 5.

⁶ V A 7.

⁷ V B 1.

⁸ VI 4.

and aids with them¹. Nottingham was licensed in 1230 to take tronage on goods which were measured by weight².

The extension of the privileges of Hereford to western boroughs was simultaneously proceeding in charters which contained no confirmation of older grants. Bridgenorth in 1227 received the same four clauses as Shrewsbury with the addition of a gift of sac and soc and infangenthef from the same source. The new borough of Montgomery (1227) was given an identical charter except for the omission of the *non-intromittat* clause, which was perhaps covered by the general concession of the liberties of Hereford which follows. These Hereford clauses form a recurrent feature in the many crown charters to Welsh boroughs down to the end of the century. It is noteworthy that the clauses of the Rochester charter of the same year granting a guild merchant and excluding the sheriff are in the Hereford form, though the rest of the charter concedes the liberties of London as they had been given to Canterbury as long ago as 1155-8, omitting the hunting rights³. If Rochester had really had no previous grant of these privileges, one wonders how far the city had been at a disadvantage in consequence. Like Rochester, Liverpool received part of its charter from Henry (1229) in the Hereford form and from Liverpool they passed to Wigan in 1246.

The frequency with which the liberties of one town were granted, in whole or in part, to other towns in identical, or almost identical, terms has enabled much space to be saved in the ensuing pages. So mechanically was the thing done that the charters of towns which received the liberties of London sometimes contain references to the Portsoken which was a feature peculiar to their model. Among the boroughs which were granted London liberties at a later date than we are now dealing with, were Edward I's new foundations in Dorset, Melcombe Regis, Lyme Regis and Newton (*Nova villa*) to which the London charter of 1268 was given *en bloc*. High privileges, however, could not exalt weak communities. Lyme and Melcombe remained small local towns, while as early as 1585 Newton was represented by a single farm. Equally complete is the oblivion that has fallen on Warenmouth, the little royal borough in Northumberland which, in 1247, was granted the privileges of Winchester after the precedent of its great neighbour Newcastle⁴.

In Ireland, Cork, Waterford and Limerick received the liberties of Bristol or her daughter city Dublin, and in their turn influenced the charters of some seignorial boroughs.

In Scotland, where town charters were rarer and more meagre, they did not become so highly standardised, but the process may be studied

¹ III 6.

² *C.Ch.R.* II, 472.

³ VA 4.

⁴ See Critical Notes.

in the relations of the charters of Dingwall and Dumbarton to the Ayr charter of 1202-7, and elsewhere.

The emancipation of boroughs from the financial control of the sheriffs by grants of them (*i.e.* of the royal revenue therefrom) to the burgesses at fee farm or perpetual lease was resumed as soon as Henry III began to grant charters. But his father, "the great charter-monger" had granted the *firma burgi* to most of the greater towns and left little for his successors to glean. The new grants in this period were to Rochester (1227), Bedford (1227), Grimsby (1227), Portsmouth (1229), Canterbury (1234), Newcastle-under-Lyme (1251), Bridport (1253), Scarborough (1253), Bamburgh (1255), Oxford (1256), Retford (1259) and Chester (1300). That to Nottingham (1230) was perhaps only a regrant. Of these twelve towns¹, only two, Grimsby and Chester paid £100 and upwards, as compared with eight before 1216. Moreover, the Grimsby rent of £111 had to be reduced to £50 in 1256. The others paid amounts varying from £10 (Retford) up to £66 (Scarborough)².

The farm tended to be a rack rent. It was often in arrear and any considerable decrease in a borough's resources made its payment impossible. Grimsby was not the only borough to obtain a reduction. The continued misfortunes of Dunwich compelled a further cutting down of its farm in 1265. In her palmy days it had been £120 and 24,000 lasts of herrings, but henceforth it stood at £65, with an allowance too for ancient alms paid by the town on the king's behalf. Rochester had its farm reduced in 1266 from £20 to £12. The rents of Worcester, Huntingdon and Nottingham, on the other hand, were slightly raised, but the increment in the first case was a commutation for an ale prise and in the second for the tolls of the fair of St Ives. Newcastle-under-Lyme which obtained a grant at fee farm in 1251 was afterwards mediated in favour of the king's younger son Edmund of Lancaster and obliged to renounce the grant in 1292-7. Even before the enfeoffment of Edmund the farm had been paid to the royal bailiff at Newcastle, not directly to the exchequer. This was perhaps the case also at Winchelsea.

In Ireland, Drogheda (Louth) and Drogheda (Meath) were granted at fee farm to the burgesses for a payment of 60 and 40 marks respectively. Some towns in England were farmed only during the king's pleasure (Carlisle, 1221) or for short terms of years (Liverpool, 1229, etc.).

Direct payment to the crown of the farm of the borough would seem to imply the right to choose their own reeve or bailiff, who collected the

¹ As the farm of Basingstoke (1228) was one of the manor and hundred, I have not included it in the above list. But for Basingstoke's claim to be a borough, see above, p. xxi.

² VI 1.

money and was held personally responsible for any deficit. It is, therefore, rather surprising to find that in not more than a third of the cases is the grant at fee farm accompanied by a formal license to elect their financial official, with or without the approval of the crown¹. Are we to conclude that the greater number of such towns had already secured the right of electing their head, which is certainly possible, or, with Mr Ballard, that "the grant of the 'firma burgi' always carried with it the right to appoint the reeves, whether this right had been mentioned in the charter or no." Only a close study of borough records other than charters will supply the answer to this question.

Another unexpected omission from the charters is that of power to elect a mayor. Apart from two Irish cases in 1229 and 1253, no surviving royal charter gives this power between 1215 and 1284². In 1230 Bishop Poore of Durham granted to his burgesses of Hartlepool the liberty of having a mayor and a merchant guild, "as other burgesses best and most honourably have in the boroughs of our lord the king in England." If this flourish refers to both features of the grant, mayors can hardly have been rare even at that early date. The assize of arms writ of 1252, which is perhaps better evidence, implies that all cities and some boroughs had one³. As early as 1249, indeed, the burgesses of Southampton obtained a grant that they should never have a mayor. Their motive is not stated, but was probably the determination of the gild to have no town officer above their alderman. From 1270 "mayor" was an alternative title of the "alderman"⁴. Norwich, however, had no mayor until 1403 and Colchester down to 1635 continued to be governed by bailiffs only.

Nottingham received the right of appointing a mayor in 1284, and, excluding the Welsh boroughs created by Edward I in that year, in which the office was reserved for the constables of the royal castles, the next towns to receive it by charter were Northampton in 1299 and Berwick-on-Tweed in 1302.

It is singular that while Berwick was allowed to elect its chief officer, though he had to be presented to the king or his representatives in Scotland, and swear fidelity, Kingston-on-Hull, whose charter largely served as a model for that of Berwick was placed under a warden appointed by the crown. In this case the oath was taken to the burgesses, the warden swearing to maintain their privileges and to discharge all his duties faithfully. Edward I had bought the manor of Wyke and other possessions of the abbey of Meaux in Holderness some considerable time before he founded Kingston in 1299. He had placed them

¹ VII 1 (c).

³ Stubbs, *Select Charters*, ed. Davis, p. 364.

² VII 1 (e).

⁴ See Addenda.

in charge of a *custos* or warden and on the creation of the town this officer acted as its mayor while retaining the office of bailiff of Holderness and the management of the king's other lands in the vicinity¹. There is a certain resemblance here to the position of the constable-mayor in Welsh castle-towns who, however, first swore to conserve the royal rights before he took an oath to the burgesses in the same form as that taken by the warden at Hull². A rather closer parallel was that of Newborough (Anglesey) where the bailiff of the hundred of Menai acted as mayor³.

Admission to office by the king in person was often impossible, or highly inconvenient, and in the London charter of 1215 the justiciar had been named as his deputy during absence from the city. It is a sign of the disappearance of the justiciarship as a political office that the barons of the exchequer were substituted as the royal deputies for this purpose in 1253 for London, and four years later for Oxford. By the end of the century it was found that the barons were not always at hand when wanted and in the London charter of 1299 the constable of the Tower was authorised to act in the absence of the king and barons⁴. In the next year the mayors of Bristol were exempted from the troublesome duty of appearing at the exchequer for admission and were allowed to be presented to the constables of Bristol Castle. The mayors of Berwick, in the absence of the king, were admitted by his chancellor or treasurer and barons of the exchequer for Scotland.

In the matter of licenses to elect coroners Ireland was again ahead (in this century), and as most of the English ones appear in the charters of 1256, they will best be dealt with in that connexion⁵.

The comparative scarcity of clauses regulating the choice of those officials who represented the towns in their relations with the king is more remarkable than the absence as yet of any similar regulation of the other organs of municipal life, since the crown did not concern itself with the way in which the mayors and bailiffs took the opinion or secured the assistance of their communities, provided it was done peaceably and in order⁶. It is only incidentally that the charters ever refer to those select bodies of burgesses, appearing under such names as portmen and jurats, who, beginning as the spokesmen and agents of their fellow-townsmen, were to end in most cases by stifling their voice and reducing them to municipal impotence.

¹ Frost, *Hist. of Hull*, pp. 25, 40, 143. The warden was replaced about 1331 by a mayor and four bailiffs chosen annually.

² In 1570 the burgesses of Conway seem to have asserted a right not to receive the oath and elected their alderman as chief magistrate (Lewis, *Med. Boroughs of Snowdonia*, p. 155).

³ *Ibid.* p. 157.

⁵ P. lx, see VII 1 (d).

⁶ For king John's intervention in London, see p. lxxiv below.

If we did not know from the unique and invaluable record of the reorganisation of Ipswich in 1200, when it was granted at fee farm to the burgesses, that twelve capital portmen were a general feature in free boroughs at that date¹, we should never have discovered the fact from the charters. Perhaps the assertion contained some exaggeration. For, as late as 1272, in a document entered in the Charter Roll, though not a charter, an *inspeximus* by Edward I of letters patent of the burgesses and community of Great Yarmouth publishing their ordinances to enforce the system of gage and pledge, the prohibition of going armed, etc., there is a passage which may suggest that even at that date the select body was not so universal in free boroughs, at least as a regular organisation, as the men of Ipswich thought. "To afforce our bailiffs," it runs, "and to uphold and perform the aforesaid things, we have provided four and twenty *prodes hommes* of the town, for that purpose elected and sworn." Was this merely an *ad hoc* body or the first institution at Yarmouth of the germ of a town council?²

No royal charter of this age authorised or regulated normal municipal legislation, but the enrolment of the Yarmouth ordinances, and the earlier despatch of a judge to bring about a settlement of local trade disputes at Grimsby, were signs that this attitude of general detachment in regard to the inner life of the town, so long as it duly performed its obligations to the crown, was not one which could last.

There was one field of municipal activity, that of the administration of justice, in which this attitude of indifference was in the nature of the case impracticable, and which therefore occupies much space in the charters. The privilege of not pleading without the walls of the borough was general and much-prized and an interesting grant of 1285 tells us that "pleading" was interpreted *passive* as well as *active*, for a defendant as well as a plaintiff³, but this, of course, refers only to civil causes, and was subject to some exceptions. With the rarest exceptions, *e.g.* Chester⁴, not even the most highly-privileged borough was allowed to try pleas of the crown, or pleas of life and limb, as it is sometimes expressed, or the higher civil pleas, or to take the profits arising therefrom. The utmost that the crown would concede was that its justices in eyre should hold sessions in a borough that was not a shire-town⁵ for cases arising within it. Unless we accept a rather dubious statement

¹ Gross, *Gild Merchant*, II, 117.

² VII 1 (*h*) and *C.Ch.R.* II, 185. For foreign influence on the development of elected bodies, see below, p. lxxv.

³ IV A 4 (Yarmouth).

⁴ IV A 2 (1300).

⁵ A Guildford charter of 1257 removed the county court and sessions of the itinerant justices for common pleas from Leatherhead to that town (IV F 1). Twenty years later the county gaol of Berks, and the sessions of the justices in eyre for common and forest pleas were fixed at Windsor (*ib.*).

of the custom at Dunstable in Henry I's day¹, this privilege is first known to have been granted in this century and only four towns have it in their charters, Shaftesbury (1252) (for royal burgesses only), Scarborough (1253), Worcester (1264) and Hull (1300)². In the first two cases these visits were for common pleas only, at Hull for gaol delivery and at Worcester for all pleas of the city and liberty.

The borough court had normally jurisdiction in civil actions touching lands and tenements within the borough and debts and trespasses therein, unless the matter touched the king's rights or person or his household (*familiars*). The York charter of 1256 prescribed that the plaintiff should bring his action before the mayor and bailiffs, and if the suit could not be terminated before them, it was to be determined by the next justices in eyre visiting the city or by justices sent *ad hoc*.

In the charters of a few towns, such as Oxford, the important plea "de vetito namio" (*vee de nam*) or replevin is mentioned as within the cognizance of the local court.

In 1256 the burgesses of Gloucester obtained a grant that for no matter touching the liberty of their community should they be impleaded before any but the king or his justices³.

For pleas of the crown, burgesses of boroughs that were not shire-towns or specially privileged would have to go outside their walls for judgement. Attendance before the justices in eyre was also exacted from many who had no business of their own before them and it was a valued privilege of the barons of the Cinque Ports, granted to them in 1260 for their services in the king's recent crossing to France, that exempted them from any summons before the justices, unless they were parties to a suit.

Among the clauses of the Hereford charter of 1215 which were handed down to a score of other boroughs was one which allowed the citizens to attach the pleas of the crown, *i.e.* make the necessary arrests and take sureties, etc., until the arrival of the king's justices. Yet only two of these towns, Gloucester and Shrewsbury, received by charter power to elect coroners for this purpose. Presumably, the ordinary officers of the town acted where there were no coroners. Coroners were not very common, if the charters are a safe guide. The privilege which was enjoyed by five towns only before 1216, was extended by 1307 to fifteen in England and Wales and two in Ireland⁴. At Shaftesbury it was only the demesne burgesses and at York the tenants of the archbishop and the dean and chapter who received the grant.

¹ Vol. I, 124.

² IV A 8.

³ Cf. vol. I, p. 124 (Portsmouth, 1194).

⁴ VII I (d).

Cases tried in fair courts by the law merchant were necessarily another exception to the burgess right of pleading within the walls, but the men of London and of its daughter towns in Dorset had the right to have their cause tried by four or five of their fellow citizens. Cases in which the whole community was at fault or interested were also naturally withheld from the borough court.

Down to the middle of the century, no new privileges of any moment had been bestowed upon the royal boroughs, but in its dire need before the baronial revolt the crown became more liberal. Most important of the new grants was that of return of writs, the right to execute the precepts of royal writs, which would before have been done by the sheriff. A clause expressly excluding him or any other royal officer from entering the borough for this purpose (except on default of the burgesses) usually accompanied the grant¹.

Return of writs had been granted sparingly to lords of franchises at an earlier date, but the first urban liberties to receive it were Canterbury and Colchester in 1252. In July 1255 it was given to Nottingham. Between 23 February 1256 and 18 January 1257 it was bestowed with other new grants, upon no less than seventeen towns², seven more than were enumerated by Miss Eva Penson in the valuable article which first drew attention to the wide extension of this class of charter in 1256, though primarily devoted to those of five boroughs on the Welsh border³.

Between the grant of return of writs and the *non-intromittat* clause there is usually interposed a clause giving the burgesses direct access to the exchequer in regard to all debts (owed to the king) and summonses of the exchequer touching the town (IVA 14(b)). We may number these, with Miss Penson (1), (2), (3). Another trio of clauses occasionally granted together and more rarely along with (1)–(3) are: (4) exemption from arrest or distraint for the debt of a fellow-townsmen, a restatement of the privilege sometimes granted in the twelfth century⁴; (5) exemption of chattels or goods in the hands of servants from forfeiture by their delinquency⁵; (6) renunciation by the crown of any confiscation of the goods of burgesses, wherever in its dominions they died, with a will or without, and assurance of succession to their heirs⁶.

¹ This did not, of course, exclude him from a shire-town for purely shire business. See IV F. For the reverse attitude to those who assessed tallages, see II B 11 (Worcester, 1264). From a case of 1292–3 printed by Madox (*Firma Burgi*, 154) it appears that the return to a writ directing the sheriff of Norfolk and Suffolk to replevy certain chattels in Dunwich was made out under the seal of the sheriffdom and taken to the bailiffs who imprisoned the messengers for a week. The town lost its liberties for a time.

² Including a regrant to Canterbury. It is significant that in the next fifty years only three boroughs, Hull, "Ravenserod" and Berwick-on-Tweed received it.

³ *E.H.R.* xxxv, 558 ff.

⁴ Vol. 1, p. 165 and IV E 2.

⁵ IV B 5 (b).

⁶ II A 15.

The first grant of these three clauses which is found on the Charter Rolls is to the burgesses of St Omer in Flanders in February 1255, and they possibly originated as a favour to foreign merchants in England. Clause 4 was granted separately to five English boroughs in that year, and separate grant is the rule among the seventeen cases in 1256-7, though the single-clause charter was generally of even or near date to a charter containing some or all of the clauses numbered 1-3, 5-6. Leicester was the last English borough to receive clause 4 (in 1269) before the Statute of Westminster I in 1275 substituted statutory for charter protection.

Hereford, Shrewsbury, Monmouth and Carmarthen seem to have been the only boroughs which received clauses 4-6 in one charter, in 1256 in the first three cases, and possibly in the last.

A seventh clause granting that the burgesses should not be convicted upon any appeals, indictments, etc., by any but their fellow-burgesses, unless the case touched the community of the borough, was included in seven of the charters of 1256-7¹. Edward I granted this clause to Ipswich and Lynn in 1305 and, along with clauses 4-6, to his boroughs in North Wales. Clauses 4-6 without 7 were given to Chester in 1300. The inclusion of clause 4 in the Welsh and Chester charters after the statute of 1275 is probably to be explained as a mechanical copying of the Hereford charter of 1256.

The seven clauses are everywhere granted in practically the same terms, with the exception of clause 1 in which three variant forms occur.

Miss Penson suggests the existence of an organic connexion between the charters granted in 1256 to Hereford, Shrewsbury, Gloucester, Bridgenorth and (in some measure) Worcester. As regards the seven clauses in question, the charters of Hereford (8 August) and Shrewsbury (10 August) are strikingly similar, the first including all but clause 2 and the second all seven, while Gloucester (10 August) has clauses 1-3 and Bridgenorth (16 August) clauses 1-4 and 7. Miss Penson has not observed, however, that a variation in clause 1 places Hereford, as regards that clause, in a group headed by Worcester (23 February) and the rest in one headed by Yarmouth (23 March). On the other hand all four (excluding Worcester) have a common variation in a clause confirming their liberties which was first granted to Bath, Bristol and Southampton in July. A tendency to treat these four boroughs as a Hereford group, despite other affiliations recalled by the reference to London in the Gloucester confirmation clause of 1256, has been noticed already in 1227.

Examination of the variants in the return of writs clause (1) suggests

¹ IV B 4 (b).

that it was not so much the judicial writ, in the wider sense¹, that the burgesses were anxious to execute themselves as those which affected them as farmers of the borough, writs of summons of the exchequer. The grant to Nottingham in 1255 was limited to these, and although in the charters of the following year other royal writs affecting the town were first added and the reference to the exchequer writs afterwards omitted altogether, the main interest of the townsmen had probably not shifted. This conjecture seems to be confirmed by clause 2 which follows the grant of return of writs in twelve of these charters. The citizens or burgesses were to answer "by their own hand(s)" at the exchequer for all debts and summonses of the exchequer touching their town, or, as the Scarborough charter puts it, for all farms, debts and aids. They were to be treated, says the York charter, in their accounts and returns at the exchequer "as our sheriffs are there treated in their accounts."

In view of this aspect of the two closely related clauses, it might have been more logical to place them under the head of Borough Finance, but we have preferred not to alter an allocation for which Mr Ballard had the authority of Maitland.

Two only of the charters of 1255-7 give any definition of the royal writs which originated actions in the borough court. At Gloucester they are merely described as those which were wont to run in the borough, but the Southampton charter expressly limits them to writs of right, of novel disseisin and of dower *unde nihil habet*². As is well known, borough law and custom differed in some important respects from the common law. The peculiarity of urban conditions and the conservative force of charters tended to stereotype in the towns the law which the royal courts were elsewhere moulding into new forms. Thus the writ of *mort d'ancestor* did not always run in boroughs³ and was occasionally excluded by charter⁴ because burgage tenements could often be bequeathed by will. The Droghedas had all writs but that of right debarred by charter in tenement cases, "saving (at Drogheda in Louth) the provisions made in place of the writs which run without the borough." The *salvo* refers to such substitutes for common law actions as the assize of "fresh force" for the assize of novel disseisin⁵.

There was, we have noted, one occasion on which the sheriff could still enter a borough to execute a writ, although it possessed return of

¹ The sheriff was already excluded for judicial purposes in a certain number of towns by an earlier *non-intromittat* clause. See vol. I, p. 121 and IV A 5 below.

² IV B 7. For the rather longer list at Winchester, see Bateson, *Borough Customs*, I, 253.

³ *Ibid.* I, 243, II, cxxiii. This could not, of course, be a Bretollian feature as stated by Mr Ballard (*E.H.R.* xxx, 654).

⁴ Vol. I, p. 137.

⁵ *B.C.* I, 231 ff.

writs by charter. This was when the town failed to do its duty. Even then the sheriff seems to have needed a special royal mandate. In 1242 and 1269 the sheriff of Cambridgeshire received precepts ordering him on the demand of the chancellor of the university to arrest clerks in Cambridge "preferring mischief to study," and other disorderly characters whom the burgesses neglected or were impotent to repress¹.

Emancipation from the sheriff, though it had gone far, was not complete until a borough was constituted a county of itself with its own sheriffs receiving writs direct from the crown, and its mayor acting as royal escheator. The only towns in this position before 1373, when Bristol attained it, were Chester (in part) and London².

From the above review of Henry III's great spurt of charter-giving in 1255-7, it will appear that his son's preference of *inspeximus* to new grants in the case of the greater towns may not have been due so much to reluctance to increase their independence as to the fact that they had already obtained practically all they wanted.

The exceptional conditions of a university town, one instance of which has been given in another connexion³, had a noteworthy legal result at Oxford. The writ of prohibition which forbade ecclesiastical judges to meddle with chattels or debts except in testamentary or matrimonial causes was relaxed in 1244 in favour of the chancellor's court and in 1268 he was given cognizance of personal actions and contracts between the masters and scholars, or any of them, and "our Jews there"⁴.

Other charters, to both Oxford and Cambridge, provided that if a layman inflicted bodily injury on a clerk, or a clerk on a layman, the offender was to be imprisoned in the castle, if the injury was serious, in the town gaol, if it was light.

That boroughs had sometimes difficulty in enforcing their right of court over their burgesses, when arrested in "the foreign," seems to appear from the clauses on this subject in the Drogheda (Louth) charter of 1253 and the York charter of 1262, the latter prescribing that the demand should be made by one or two citizens armed with letters patent of their community⁵.

An appeal to the king on the ground of default of justice in the borough court was, of course, always possible. In 1278 the Warden of the Cinque Ports was specially empowered to enter the ports and liberties to remedy such injustice⁶.

By a charter of 1256 the citizens of York were not bound to appear

¹ IV A 5 (b).

³ Above, p. xxiii.

⁵ IV A 17.

² Stubbs, *C.H.* III, sect. 488.

⁴ IV A 15. Cf. *H.E.L.* II, 199.

⁶ IV A 18.

before the justices in eyre there anywhere but in their Guildhall¹, while the citizens of Lincoln in 1272 obtained the right to have all their pleas (except pleas of foreign tenements and royal moneyers, etc.) tried in "the hall of pleas of the said city which is called Gildehalle"².

The newer and smaller royal boroughs approximated to the seignorial type in their courts as in some other respects. Thus Liverpool had two great courts and a lesser tri-weekly court.

The presidents of the borough court were either the mayor and bailiffs (at Leicester the mayor and jurats) or, where there was no mayor, the bailiffs alone³.

Much the fullest account of the procedure of a municipal court at this date is found in a mediatised borough, in the remarkable ordinance of earl Edmund of Lancaster which reformed those ancient customs of the Leicester Portmoot which had not been found to work well. But this interesting document has been fully interpreted by Miss Bateson⁴. The strong traces of Scandinavian influence which it shows warn us not to take it as wholly typical of procedure in borough courts outside the area of the old Danelaw.

Distraint, which was among the subjects dealt with by earl Edmund, has already been referred to in connexion with the royal charters and parliamentary statute prohibiting its most oppressive manifestation⁵. The Scottish kings granted the same protection to the burgesses of Inverness and Aberdeen and Alexander III forbade that the burgesses of Lanark should be distrained on the highroad to that town⁶. The Grimsby charter of 1258 and the Yarmouth ordinances of 1272, give the procedure by which a burgess who was distrained for a fellow-burgess, for whom he had no responsibility, recovered the distress. At Grimsby the bailiffs obliged the fellow-burgess to deliver it from the distrainer⁷. As Yarmouth got the protecting clause in 1256, it was evidently not always easy to enforce.

A curious bit of archaic borough procedure is disclosed by a clause of the London charter of 1268. It appears that when a man who had been chosen as a compurgator⁸ died before his function was performed, it was the custom for some one to aver on oath over his grave what he

¹ IV C 2. In 1326 the citizens of Norwich complained of inconvenience and loss caused by the royal justices sitting in the places where their bailiffs tried the city pleas and the justices were ordered to sit henceforth at the Shirehouse in the Castle (Hudson, *Norwich*, I, 21).

² IV C 2.

³ IV C 9.

⁴ *Hist. of Leicester*, I, 150 and *Introd.*; *B.C. passim*.

⁵ P. lxii.

⁶ IV E 2.

⁷ IV E 3.

⁸ The word is not used, but the context clearly refers to the wager of law. This antique system of disproof was especially prominent in London, but the oath-helpers were chosen not by the party but by the mayor and aldermen or the mayor and citizens in the folkmoor (*H.E.L.* II, 635). See *E.H.R.* xvii, 488 f.

would have said. It was now ordered that another free and lawful man should be chosen in his place to do what was needful.

One of the identical clauses in Edward I's charters to the new boroughs of North Wales in 1284 is difficult to reconcile with the regulation of the Statute of Westminster (1275) as to bailable offences, for it seems to allow bail even for crimes punishable by death or mutilation¹. The fact that the wording of the clause in the Overton charter (1292) was so altered as to exclude this interpretation would suggest mere bad drafting as the obvious explanation, did not the original clause reappear unaltered in the Beaumaris charter of 1296. This may, however, have been a careless oversight.

Turning to the mercantile privileges of the thirteenth century borough, we note in the first place the greater freedom of trade which prevailed in England as compared with Scotland. In one of the last articles which he wrote², Mr Ballard developed at some length the difference in the practice of the English and Scottish kings in regard to markets. In England the right to have markets and fairs was granted freely to rural manors which never became boroughs or had to wait years before they received charters. Provided such a grant did not obviously injure existing markets and fairs of the vicinity, no objection seems to have been raised nor apparently did the crown always insist on its license being sought for the conversion of villages with markets into boroughs, in the sense of chartered towns. The Scottish kings, on the other hand, seem to have restricted their grants of markets to a limited number of boroughs, some of which received by charter the monopoly of trade and cloth manufacture in a county or some smaller district, and others are supposed to have enjoyed the same privilege on the strength of later evidence. "It would not be difficult," says Mr Ballard, "to draw a map of Scotland showing that the country was divided into a number of districts within each of which some specified royal borough had the monopoly of trade." No seignorial borough (borough of regality or borough of barony) could be created in any such district without royal license and, with the single exception of Brechin, no place not a borough is recorded to have received a grant of a market until late in the sixteenth century³. "Foreign" merchants could trade only at boroughs and no shop could be opened outside them without the king's permission. The charters seem to carry back the policy to the

¹ IV B 5 (a).

² "The Theory of the Scottish Burgh" in *Scottish Historical Review*, XIII (1916), 16-29. Cf. *ibid.* pp. 168 ff. W. Cunningham on "Differences of Economic Development between England and Scotland."

³ It is curious that the charters of the twelfth and thirteenth centuries contain only two grants of a fair to boroughs (Aberdeen and Dumbarton, 1226).

reign of David I. The simpler conditions of a poor and thinly populated country no doubt made such a policy more possible and to some degree more defensible than it would have been in England, but even in Scotland it was not always carried out logically. The charter of Stirling saves pre-existing chartered rights¹, William the Lion had authorised the opening of shops at Kelso except on market days at Roxburgh², and sometimes more than one borough shared the monopoly of trade in the same district³. The creation of new boroughs gave rise to some awkward problems. Glasgow had trouble both with its older neighbour Rutherglen, which had to be forbidden to levy tolls within its precincts⁴, and with its newer one Dumbarton (1226) which contested, but in vain, the right of the Glasgow burgesses to trade in Argyle and the Lennox (1243)⁵. Their right to trade "*per totum regnum nostrum*" was also affirmed, but this may only mean a right to trade at the boroughs which enjoyed monopoly in the various districts.

It is not quite correct to say that this system of trade districts each centring in a borough was only found north of the Tweed. In North Wales Edward I would not allow any markets to be held outside his new boroughs. Thus, for instance, the men of the three commotes of Tindaethwy, Turcelyn and Talybolion in Anglesey were compelled to do all their buying and selling at Beaumaris⁶. The nearest approach to such a royal restriction of trade in England is the provision of 1265 in favour of Shrewsbury that no merchant of wools should buy them anywhere within the county save in the merchant towns there, but these were much more numerous than in Wales or Scotland. Seignorial charters occasionally banned the trade or industry of the grantor's fief, or of a portion of it, to the new borough⁷. Similar in spirit was the undertaking given to Scarborough in 1256 that no new port or quay should ever be made between that borough and Ravenser on the Humber⁸ and the restriction of the waterborne trade of New Ross in Ireland to local bottoms at the instance of its neighbour Waterford⁹.

The rarity of grants by the Scottish kings to boroughs of freedom from tolls throughout their kingdom is remarkable, compared with the lavishness with which this privilege was bestowed in England. Only three cases appear in the first volume and two (Lanark, Rutherglen) in this¹⁰.

The chief novelty in tolls in the thirteenth century was due to the requirement of defensive walls and of paved streets within them. The

¹ V A I.

² Ballard, *op. cit.* 17.

³ V B 5.

⁷ See p. lxxxvii.

⁹ V A I.

² See Appendix A.

⁴ V A 9.

⁶ V A I.

⁸ V B 17.

¹⁰ V A 7.

only order relating to town-walls on the patent rolls of John is one of 1215 for Limoges¹. The order of 6 October 1218 to the *probi homines* of Shrewsbury to apply themselves "ad firmandum et claudendum villam nostram de S.," (the same wording as in the Limoges writ) seems to be the first of its kind recorded in England². Owing to the unsettled conditions of the time, such orders became fairly frequent. The burden was a heavy one and the next step was to license the town called upon to bear it to collect murage tolls and the cost of paving towns was met in the same way. Murage and pavage licenses were granted for short terms of years. From an inquisition of 1281, it would appear that there was a strong tendency to collect these tolls from stranger merchants only and so to shift the burden entirely from the shoulders of the citizens³. The absence of "murage" and "pavage" from the list of tolls from which the charter of the stranger merchant's borough generally exempted him left him helpless, unless his community got them included in a new charter. But this privilege was sparingly granted.

The royal concession in 1252 of the tolls of the great fair of St Ives to the burgesses of Huntingdon in return for an increase of their farm brought them into conflict with the bailiffs of the abbot of Ramsey who from 1258 farmed the royal rights in the fair in addition to his own⁴.

Tronage, the charge made for weighing goods on a public beam, was allowed to be taken by the burgesses of Nottingham⁵, but, as the grant implies, was not a new payment, though it does not occur in any charter included in the first volume.

The royal charters of the thirteenth century contain many grants of a merchant guild⁶, though it is not always possible to distinguish a new grant from a confirmation. We have found only one (Brecon) which escaped the wide net of Dr Gross, but he was misled by his authorities into attributing to Sunderland (Wearmouth) a guild which was really granted to Warenmouth in Northumberland⁷. The most noteworthy feature is the extensive use of the formula of grant contained in the Hereford charter of 1215. Most of the towns which received it were new boroughs in Wales, but it appears also in the charters of five English and two Irish boroughs. In Scotland a merchant guild was

¹ *Rot. Litt. Pat.* p. 134.

² *C.P.R.* 1216-25, p. 169. The grant of "custumam vocatam le muragium de omnibus rebus venalibus et mercimoniis" in John's alleged charter to Waterford, made "as held by the burgesses of Bristol" is more than suspect (vol. I, p. 255). The exemption from murage in the Dublin charter of 1172 (vol. I, p. 184) is interpolated.

³ See VI 17, 18

⁴ V A 4; Gross, *Law Merchant* (Selden Soc.), I, xxix.

⁵ V A 4.

⁶ V B 1.

⁷ See Critical Notes above under Warenmouth. The sources he quotes (vol. I, p. 14) for a guild at Orford as early as 1229 do not bear him out. It seems to have been first granted in 1256.

granted to Elgin in 1234 and it was the merchant guild of Stirling which, in 1226, was given the sole right to make cloth in that county. It is clearly stated that the guild did not include all the burgesses¹.

As in the previous century, craft guilds are poorly illustrated by the material². Norwich obtained a grant in 1256 that no guild should be held in the city which was to its detriment. The Oxford weavers were excused the greater part of the annual payment which king John had imposed for his charter, on the ground that their number had decreased from sixty to about fifteen. The London weavers and the Oxford cord-wainers obtained confirmations of their earlier charters³.

The growth of trade and of trade regulation in the period covered is marked by the appearance of several new titles in section V B. The most important is that which records the efforts made to suppress forestallers, regraters and brokers. Mention has already been made of the Grimsby and Great Yarmouth ordinances which illustrate very fully these attempts to eliminate the middleman, under the special conditions of those ports. Miss Bateson had already called attention to the elaborate Grimsby clause on the burgess lot in bargains⁴. The necessity of speedy payment of foreign merchants was recognised as so vital that the community of Grimsby undertook to pay the debt of a recalcitrant debtor, recovering twice the amount from him afterwards⁵.

Other noteworthy features may be briefly referred to. An identical clause in the charters granted to Shrewsbury and Bridgenorth in 1256 reveals the king as a wine-merchant even in this remote county. The burgesses were exempted from compulsory purchase of the royal wines, provided they did not sell their own while the king's were on the market⁶. A royal edict fixed the rate of interest on loans made by Jews to scholars of Oxford at 2*d.* in the pound per week⁷. This works out at the very satisfactory rate (to the lender) of 43 $\frac{1}{3}$ per cent. per annum, but presumably the loans were normally made for quite a short period. The prejudice against the Jews which culminated in their expulsion in 1290 had long before made itself felt in town charters. As early as 1228 Jews begin to be included in seignorial charters with religious houses (except the grantor's, if he were an abbot), churches, and (occasionally) chief lords, as persons to whom burgage tenements must not be given, sold or bequeathed⁸. Newcastle-on-Tyne in 1234 and Derby in 1260-1 bought the "liberty" of excluding Jews from residence within their

¹ V A 1.³ I 12 (b).⁶ V B 12.² V B 2.⁴ B.C. II, 168-9.⁷ V B 16.⁵ V B 7.

⁸ II A 9-11. Ministers of the king are added at Altrincham. The charters of royal boroughs do not as a rule touch upon alienation, but at Scarborough in 1253 transference to religious houses was forbidden, unless with the assent of the community.

bounds, Derby being careful to particularise Jewesses¹ as well. Six years before they left England, the charters of the new boroughs of North Wales of 1284 excluded them from those towns, and the prohibition was repeated in the charters of Overton (1292) and Beaumaris (1296), though the race had by then disappeared from England.

The importance of a study of the business side of town life in the thirteenth century for a right understanding of the development of the fully grown municipality has been emphasised by Maitland. Such a study must in the main be made in documents other than charters, but these throw some little light upon the problems which are involved. The grant of a town at farm to its burgesses was a necessary starting point for financial control, but the rents exacted were usually so stiff that any considerable profit on the arrangement was out of the question, and indeed, loss seems to have been more common than gain. One of the advantages of a merchant guild to a town was that it supplied an extra revenue in fees and amercements which directly or indirectly was treated as part of the borough stock. The income and expenditure of such a borough is most fully illustrated in the case of Leicester, which, however, as a mediatised town formally belongs to the class of seignorial boroughs which is dealt with in the next section. For the town without a merchant guild we have the chamberlain's rolls of Norwich between 1293 and 1305 (with a gap of two years)². The Norwich farm was, as usual, paid by the chief officers of the borough, the bailiffs, who, not being able to meet it fully from the old royal revenue³, were given a first call upon other municipal revenue. Any balance which remained from this was handed over to the chamberlain, who also received certain rents of assize and customs together with the fees for admission to the liberties, which was their most lucrative source of revenue. The total varied greatly and even in the more prosperous years never touched £40. On the other hand, the expenditure on salaries and the upkeep of town buildings was small and the largest item of expense in these years was the presents to royal judges and others. The custom on woad which was commuted in 1286 was paid half to the bailiffs (*i.e.* towards the farm) and half to the community (represented by the chamberlain)⁴. At a later date the admission fees were similarly divided, but not within our period.

The king occasionally made gifts to towns, some of which are

¹ III 11. In 1273 the king ordered the expulsion of the Jews from Winchelsea (*Foedera* (R), I, 503) and ten years later from Windsor (*ib.* I, 634).

² Hudson and Tingey, *Records of Norwich*, II, 30 ff.

³ In 1272 these were landgable rent (£10), farms paid by the fullers, bakers and other traders, tronage, quay and market tolls, and pleas and perquisites of courts (*ibid.* II, 404).

⁴ *Op. cit.* II, 211.

described as intended to make up their farm (*ad perficiendum firmam suam*)¹. Bristol in 1230 was excused an extra prise on ale imposed in the previous reign². The Waterford charter of 1232 granted to the city half of the royal prise of wine, and ten years later Cork apparently received a grant of the whole prise³. This was really a grant of the difference between the actual market value of the two tuns, one before and one behind the mast (where the best wine was carried), which the king was entitled to take and the price which he had to pay per tun which was fixed in the previous century when wine was cheaper⁴. In the Cork case it was stipulated that the ordinary custom must first have been paid on the wine and its payment recorded by the cocket seal. The Cinque Ports received the same privilege "for their own wines in which they dealt" in 1278.

More valuable was the right of imposing tallages for local purposes which was the subject of an interesting regulation at Leicester in 1277, and was granted by Edward I to Norwich and Lynn in 1305⁵. Here the crown needed only to consider the possible effect on the payment of the farm. Murage and pavage grants could be made more freely because they did not fall wholly upon the inhabitants of the towns who received them⁶.

The English kings were not very liberal with gifts of land. Henry, in 1256, gave the royal manor of Falsgrave to Scarborough for the enlargement of the borough, but he reserved a substantial rent⁷. The gift of a Jew's house to Oxford in 1229 hardly counts as it was to serve as a court-house for royal pleas⁸. More really generous was the grant of one of the Norwich leet courts to the citizens in 1305⁹.

Alexander II of Scotland gave all his fisheries in Ayr and Doon to the borough of Ayr for the improvement of its port, etc., and bestowed upon Inverness the lands of Markinch.

Waterford, Cork, Scarborough, Orford and Chester were empowered by charter to build upon vacant places within the borough limits¹⁰. These grants seem fully to bear out Maitland's statement that the intramural "waste" (like the waste without) was not conveyed to the burgesses by a grant at fee farm. Yet in 1330 the crown supported the opposite doctrine in the case of Norwich¹¹.

The conception of the borough as a juristic person distinct from the individuals who composed it was not yet fully grasped in the thirteenth

¹ VI 5, 7-13.

² VI 4.

³ *Ibid.*

⁴ Gras, *The Early English Customs System*, pp. 35, 42.

⁵ VI 14.

⁶ VI 17, 18 and above, p. lxviii.

⁷ I 17. This was also the case in the grant of Pendestan mill to Bridgenorth in 1227 (VI 8).

⁸ VI 12.

⁹ VI 13.

¹⁰ VI 7.

¹¹ Hudson and Tingey, *Records*, II, 226.

century, though the growing self-government of the towns was forcing it on the attention of lawyers like Bracton. Practically, the personality of the borough must have been impressed, slowly but surely, on the local mind by the growth of a municipal revenue and expenditure and by such incidents as that, already recorded, of the payment of a private debt to a stranger merchant out of the public purse at Grimsby¹.

Legally, the burgesses were still responsible severally as well as jointly for the payment of the king's farm. Madox gives several instances in this period when six or twelve burgesses with the mayor or bailiffs were held responsible for the town debts to the king². The more common and effective guarantee for the due payment of the rent was the practice of taking the liberties of the town into the king's hand, and it is strong evidence of the burden which the farm involved that this extreme step was not infrequently adopted³. In such cases the borough was for the time being governed by a warden (*custos*) or wardens. The risk of incurring this fate explains the method of the Norwich accounts by which the farm was treated as a chief rent and made a first charge on all municipal revenue.

Attempts have been made to distinguish in the style "burgenses et communitas," which is not uncommon in charters and other documents, a governing class and a comparatively unprivileged one, or a corporate body and the immemorial vill community which underlay it, but Maitland rightly saw in it, in early documents, no more than an indication that the burgesses "are not to be taken *ut singuli* but are, as we should say, 'acting in their corporate capacity'"⁴. A selection of styles of address in the Leicester charters, etc., of this century fully bears this out: "maior et burgenses et commune" (1251-5), "communitas burgensium de L." (1256), "maior et burgenses" (1269), maior et burgenses de communitate L." (*an. incert.*), "maior et communitas" (c. 1273), "Meyre e jurees et tote la commune" (1277), "communitas L." (seal). It is only in the ordinance of 1277 that a distinction is expressed between a smaller and a larger class, and the smaller, the sworn assistants of the mayor, is comprised in the larger.

As Maitland points out, the "communitas" style brings out the corporate conception better than the "mayor, aldermen and burgesses" of modern legal documents. Grants were never made in England, as they were early in Germany, to "the city" or "the town," but in one or two of the seignorial boroughs we find alienation fees reserved to "the borough"⁵.

¹ P. lxix.

² *Firma Burgi*, p. 154.

³ Madox, *Firma Burgi*, pp. 161-3. For such seizure of the liberties on other grounds see *ibid.* p. 154, Brand, *Newcastle*, II, 144-5, and VI 16 below.

⁴ *H.E.L.* I, 678.

⁵ Vol. I, p. 67. At Scarborough alienation of tenements to the religious was not allowed without the assent of the community. For Scotland, see Addenda.

The corporate character of the borough was not as yet much emphasised by the provision of public utilities. Paving was becoming recognised as a municipal duty, but as late as 1301 the king had to call the attention of the mayor and bailiffs of Oxford to the dangerous state of the pavements¹. This action was taken in the interest of the scholars who flocked there, and it was only the influence of the universities which brought down royal injunctions to the authorities of Oxford and Cambridge ordering the removal of nuisances which fouled their streets, poisoned their air and contaminated their water—and beer². The conditions in other great towns were no doubt similar, though less acute because they had no such large floating population, but no royal interest was shown in their case.

Besides eight or nine new boroughs in North Wales, the crown created three in England, Warenmouth in Northumberland (1247), Newton in Dorset (1286) and Kingston-on-Hull in Yorkshire (1299). One old royal borough, Salisbury, was depleted in favour of a new episcopal city on a lower site (1225), and another, Winchelsea, attacked by the sea, was removed to a safer position (1288). Two royal boroughs enlarged their bounds, Scarborough taking in Falsgrave and Newcastle-on-Tyne, Pandon³. Bristol was gradually annexing Redcliffe, despite the resistance of its manorial lords⁴.

Magna Carta is several times referred to for the limitation of amercements and once in a more specific and interesting way. In 1253 the king granted that the burgesses of Scarborough and persons coming to the borough should not be molested or injured there by any one contrary to the liberties contained "in Magna Carta nostra magnatibus et aliis liberis dominibus Anglie confecta"⁵. The reference is probably to the general confirmation of the liberties and free customs of the cities, boroughs, etc., which follows that of the privileges of London in the great charter⁶.

Our brief survey of the constitutional history of the royal boroughs in the thirteenth century is sufficient to show that though the greater towns of this class secured new and important privileges, these new liberties were merely a development of the old and made no change of principle in the relation of the towns to the crown. Favoured by the necessities of Henry III, many boroughs obtained substantial independence of the administration of the counties in which they lay, in matters of finance and justice, but they were far indeed from attaining the independence of the communes of France and the free cities of

¹ VIII 2.

² *Ibid.* Henry III also took steps to improve the morals of Oxford (VIII 1).

³ I 17.

⁴ Cf. IVA 8.

⁵ I 20.

⁶ Magna Carta (1215) c. 13, (1225) c. 10.

Germany. The king promised in the Great Charter to respect their liberties and free customs, but this was interpreted as conditional on their proper use of them. They derived their liberties from the crown and the crown could, and not infrequently did, resume them when dissatisfied with their behaviour, and the restoration of the civic privileges became a matter of grace. Even if the king did not go so far as to take the town liberties into his hands and appoint his own officer to govern it, he could, and did, on sufficient occasion ignore the privilege of return of writs and send the local sheriff into the town to execute his orders¹. The crown in fact had ample power to keep the greatest and most turbulent borough in order, and even after the introduction of parliamentary taxation it did not, for half a century, abandon its old right to tallage the towns on the royal demesne at its discretion.

Though the liberties even of London were liable at any moment to be taken into the hands of the king, the larger English towns had not escaped the influence of the communal movement on the continent. The commune of London was, indeed, exceptional and in the full continental sense short-lived, but there seems reason to believe that both in London and in other towns this foreign influence may be traced not only in heightened communal feeling and action but in new constitutional structure. Mr Round's claim that the oath of the twenty-four in 1206-7, preserved in a contemporary London manuscript, reveals the existence in London in the middle of John's reign of an elected and sworn council with judicial functions, modelled on the "Vingt Quatre" of Rouen, in which he sees the germ of the later Common Council², was disputed by Miss Bateson who preferred to identify the London twenty-four with the twenty-four aldermen and emphasised the absence of any evidence of the election of the former³. This view is, however, invalidated by Professor Unwin's discovery on the printed Close Roll of the year in question⁴ of the king's order to the barons of London to elect twenty-four of their more lawful, wise and discreet fellow citizens to remedy the misgovernment of those who had hitherto been in power (*superiores*) in the administration of justice and in the assessment and collection of tallages and other royal revenue. The only doubt remaining is whether this was a temporary expedient or not. Miss Bateson insists on the fact that the later oath of the London common councillor contained no reference to judicial functions "for the common councillor as such had none." However this may be, the judicial aspect was cer-

¹ As at Norwich in 1286 when the citizens were behindhand in their payments to the king (Madox, *Firma Burgi*, p. 184).

² *Commune of London*, p. 237.

³ *E.H.R.* xvii, 507.

⁴ *Rot. Litt. Claus.* (Rec. Comm.), i, 64. Professor Unwin, however, regards it as a commission of enquiry only (*Finance and Trade under Edward III*, p. 13).

tainly stressed in the oath taken individually by the twenty-four *jurés* of Leicester and the twelve portmen of Ipswich, both elected bodies¹, and a strong impression is left that these and similar bodies show the effect of foreign influence, not necessarily always French. It does not seem likely that the jury of a borough court would have developed independently on these lines.

The class of royal boroughs, of course, included many smaller towns than those with which we have just been dealing. Even county towns such as Warwick, Hertford and Dorchester are not known to have received a charter of any kind from the king up to the end of the thirteenth century. This renders less startling than it would otherwise be the return which a sheriff of Warwickshire made on one occasion that his county contained neither city nor borough. The lesser royal boroughs chartered or unchartered, approximated in some respects and in varying degrees to the more favoured members of the class of seignorial boroughs which now in its turn comes up for consideration.

(3) **Seignorial Boroughs.** Of over 180 boroughs, the charters of which are included in this collection, roughly one half were mesne towns, that is, under the immediate lordship of some subject, not of the king. This common tenurial status covers the widest variety of importance and privilege from royal boroughs which had been mediatised in favour of a great lay or ecclesiastical lord, either at an earlier date as Chester (down to 1237), Bath (to the bishop *c.* 1090), Leicester and Reading, or in this period as Exeter (to the earls of Cornwall, 1231-1300), and Newcastle-under-Lyme (to the earl of Lancaster, 1265), together with the new episcopal borough of Salisbury (1225), to the pettyest manorial borough which had little but burgage tenure to mark it off from the ordinary rural manor with a market. The mediatised towns (except Reading and Newcastle) belong essentially to the highest class of the royal boroughs, and though mesne tenure gave rise to some peculiarities in a long subjected town like Leicester, its municipal growth was generally on the same lines. It is true that it never got the farm of the town until 1375 and then only for a term of years, but as the earl excluded the sheriff, there was not the same motive to seek it. Much less important boroughs, indeed, such as Farnham and Plympton had already secured the right of farming their lord's revenue², but whether their position was in fact more independent than that of Leicester may perhaps be doubtful. Evidence has, however, been discovered recently that, in the twelfth century at all events, the earls were taking customs

¹ Bateson, *Hist. of Leicester*, I, xlvi; Gross, *Gild Merchant*, II, 117-8. I hope to go more fully into the question elsewhere.

² VI 1.

from the Leicester merchant guild, which had not been suspected hitherto¹.

A majority of the seignorial boroughs represented are not known to have received earlier charters, but unless their first charter in this period is clearly one of foundation, as *e.g.* are those of Salford and Agardsley, they may often be boroughs by prescription. Thus Manchester appears as a borough in 1282, though it did not get a charter until 1301.

In Scotland, apparently, no new mesne borough could be set up without a royal grant as in the case of Newburgh founded by Lindores Abbey in 1266. In England, if we may judge from the silence of charters, this was not essential, but the license of the crown or other superior lord to have or make a borough or free borough in a manor or vill is recited in the charters of Abbots Bromley (borough), Kirkham, Ormskirk, and Stockport (from the earl of Chester), and the boroughs of Clifton, Lydham and "Skyinburgh" (removed to Kirkby Johannis in 1305) were created by royal grants of free boroughs, markets and fairs, etc., to their lords who seemingly issued no charters themselves². A crown grant of free borough³ was sometimes given *ex post facto* as to Richard earl of Cornwall for Camelford. In the case of other Cornish boroughs Richard appears to have granted *liber burgus* without crown confirmation not only to his own towns but to a vassal's borough at West Looe. Other lords ranging in importance from the earl of Chester and the bishop of Salisbury down to a petty Cheshire baron, Hamon de Massey, exercised the same power. Some new boroughs were started less formally with a grant of free burgages, which, however, amounted to the same thing. This was the case at Knutsford and probably at Kinver. Where the site was new, or an addition to an old one, the grant was sometimes expressed as made to those who were willing to take up burgages. The charters to Agardsley and Sherborne afford examples⁴.

It is remarkable that in a charter omitted in the first volume and printed in the appendix to this, the date of which (if genuine) must be between 1141 and 1167, earl Reginald of Cornwall confirms an alleged recognition by the count of Mortain before 1086 that the borough of Launceston possessed "*omnes libertates ad liberum burgum pertinentes*," a formula which Mr Ballard could not elsewhere trace back beyond the reign of John. The charter lies under some suspicion in consequence of this.

A royal confirmation of a seignorial charter was rarely sought in this period and then usually in no haste. The charters of Chard (1235)

¹ F. A. Stenton, *Danelaw Charters*, CXIX.

² I 1.

³ I 3.

⁴ II A 1. The creation of new burgages at Sherborne had parallels at Bridgetown Pomeroy, Morpeth and perhaps Burton-on-Trent. Two Cornish boroughs, Lostwithiel and Penknight (Penknek) were thrown into one (I 3).

and Plympton (1242), for instance, did not receive the royal approval until 1286 and 1285 respectively¹.

Mesne boroughs, like those which had the king for lord, were sometimes granted the privileges of other boroughs on the same fief. Thus the bishop of Winchester's new borough of Francheville (Newtown) in the Isle of Wight received the liberties of Taunton, Witney, Alresford and Farnham, Tintagel those of Dunheved, Kinner those of Kidderminster, and Aberavon those of Kenfig². A similar filiation might exist without being expressly mentioned.

The charters of earl William de Ferrers to Bolton (1253), Robert de Stockport to Stockport (c. 1260) and Thomas de Grelley to Manchester (1301) are all more or less close copies of earl Ranulf of Chester's charter to Salford (c. 1230). Ferrers was his brother-in-law and one of his heirs, Robert de Stockport a Cheshire feudatory, and Grelley's borough adjacent to Salford. A more general likeness pervades the three charters of Macclesfield (1261), Congleton (c. 1272) and Knutsford (c. 1292) all in Cheshire.

The grant to Aberavon, mentioned above, was made "to all my English burgesses and also my tensors (*chenceribus*) in my town of Avene." The class of tensors, censers (*censarii*) or stallagers is found in other boroughs as an imperfectly privileged element, but nowhere else as joint recipients of the liberties. With this conjunction may be compared the grant at Bakewell to "the burgesses and free tenants," where there was doubtless substantial equality³.

Many charters exhibit the features which Miss Bateson traced, less convincingly in some cases than in others, to the "laws of Breteuil"⁴, but the only addition to her list of boroughs thus influenced is Abbots Bromley which received from Burton Abbey the liberties of Lichfield, an unquestionably Bretollian borough. The best attested of the Bretollian privileges, the low fixed amercement of a shilling for all but serious offences⁵ appears in the charters of the Salford group of boroughs (qualified at Manchester by a heavy Sunday mulct), the Macclesfield group (Macclesfield, Congleton, Knutsford), Chipping Sodbury and Gainsborough. All but the last may be due originally to that notable founder of boroughs, Ranulf III of Chester. Although decisive of Norman influence, the 12*d.* amercement was not necessarily derived from Breteuil, as it may have come from other Norman boroughs. A sixpenny amercement occurs in three south-western boroughs, Dun-

¹ I 12 (b).

² I 8.

³ I 7.

⁴ *E.H.R.* xv, xvi; cf. Hemmeon, *Burgage Tenure*, 166 ff. and Ballard, *E.H.R.* xxx (1915), 646. See also Lichfield in Critical Notes.

⁵ IV D 3. Cases of bloodshed are often excepted, and sometimes offences against the lord, his household and officials, at Chesterfield also the assizes of bread and beer.

ster, Saltash and Penryn, and the very mild one of threepence at the neighbour boroughs of Bakewell and Chesterfield. In the Macclesfield group the shilling fine was only a preliminary amercement which admitted the accused to plead in the lord's court; if he was convicted there, a further amercement proportionate to the offence was enacted. The double amercement is also found at Gainsborough, but both were fixed (6*d.* and 12*d.*).

The measurement of the Knutsford burgages in selions or ridges in the fields calls up a picture of a town arising on what was until then arable land. A peculiarity at Sherborne was the division of the town into three districts with burgages of various sizes and rents¹. The arable appurtenance of the burgage ranged up to a full oxgang at Denbigh, where the burgess had to find a man for defence against the Welsh².

These boroughs were often small and the number of burgages limited. Warton had only 42 or 43, at least in 1400³, Bolton in 1288 had 70, Chorley 90⁴, six years earlier Manchester had nearly 150, at Frodsham there were 110 and at Tutbury 180. At Cardiff in 1303 there were as many as 423⁵. Boroughs must have been, in some cases, very minute in Ireland, if we are entitled to make the obvious deduction from the grant of Cashel in fee farm by the archbishop in 1230 to "the provost and twelve burgesses of the said town or whatever less number they may be who are burgesses now or shall be for the time being"⁶.

Dr Hemmeon has dealt so fully with the subject of burgage rents and what he calls the mobility of the burghal tenement, the comparative ease with which it could be given, sold, mortgaged and even bequeathed by will, subject in many cases to the lingering rights of the kin, that it would be superfluous to analyse the evidence of the charters on these heads. A few points, however, may be noted. The alienation fee which was often required to be paid to the lord, and occasionally to his bailiff, was usually quite small, but at Sherborne a full year's rent was exacted, under the name of a relief, if the burgage was given in inheritance⁷. Mention has already been made incidentally (p. lxix) of the classes of persons who were commonly barred by charter from acquiring burgages, especially Jews and religious houses. It is amusing to find the abbots of Dieulacres and Burton specially excepting gifts to their own houses by their burgesses at Leek and Burton from the general prohibition.

In the charters nothing more is heard of the lord's right of pre-emption, and the right of pre-emption by the kin is only found in the

¹ II A 2.

² *Ibid.*; II B 9.

³ *V.C.H. Lancs.* VIII, 165.

⁴ Farrer, *Lancs. Inquests*, I, 268, 271.

⁵ Tait, *Mediaeval Manchester*, p. 55. Salford had 130 in 1346 (*V.C.H.* IV, 206).

⁶ VI 1.

⁷ II A 17.

customal-charters of the Salford group¹. At Manchester their right was limited to inherited property and even this could be disposed of to others with the consent of the heir, or, in case of need, without it.

Alienation by sale or gift was not peculiar to boroughs, but in the thirteenth century devise of land was not found outside them, except perhaps in some parts of ancient demesne. The presence of this peculiarly burghal privilege in small towns which were ultimately refused the title of boroughs, when judged by other criteria, explains the wider application of that title in the thirteenth century.

The succession of the youngest son, often though rather misleadingly called Borough-English, was abolished in favour of primogeniture by Simon de Montfort at Leicester in 1255, on the complaint of the burgesses that, owing to the weakness and youthfulness of heirs, the town had almost fallen into decay. In the next year the king confirmed the change, and adopted it at Shrewsbury².

It is noteworthy that at Saltash a half burgage paid the same relief (and amends) as a full one. In the Irish borough of Rathcool, no relief was the custom³.

The widow's free bench, or right to remain in her husband's house so long as she made no further marriage, is reserved in the charters of the Salford group⁴.

The freedom of a mesne borough⁵ was acquired either (I) by birth or marriage, or (II) by purchase and settlement.

(I) The only source here is the interesting Chesterfield charter of 1294. The actual possession of a burgage was not essential. The following categories were made: (1) Eldest sons who had not yet inherited the burgages of their fathers or other ancestors; (2) other sons and daughters who wished to trade and were ready to pay 3*d.* yearly for the liberties; if they acquired burgages, this payment ceased; (3) the husband of the heiress of a burgess for her life and presumably, if they had children, for his life by the courtesy of England; if he acquired a burgage during her lifetime he and his heirs were burgesses for ever; (4) the widow of a burgess; (5) the second husbands of such widows, but only during the lifetime of these, unless they meanwhile acquired burgages for themselves; (6) burgesses who had parted with their burgages, on payment of 3*d.* a year for the liberties.

(II) (1) Such cases of acquisition of burgages as are incidentally noted under (I); (2) in the Kilkenny group of boroughs, burgesses could secure the liberties for their tenants by granting them a plot with a

¹ This, of course, does not mean that it did not exist where shorter charters are silent.

² II A 16.

³ II A 17.

⁴ II A 20.

⁵ III 1-5.

twenty-feet frontage; (3) any native settling in Bodmin, West Looe, Welshpool and Llanfyllin and remaining a year and a day unclaimed by his lord, subject in the first case to his having been presented to the merchant guild, and in the last two to his holding land and being in scot and lot with the burgesses. This was a common clause in the charters of royal boroughs on the Hereford model. The lords of Plympton and Bridgetown Pomeroy especially barred the privilege to their own villeins; (4) emancipation of serfs as a preliminary to the establishment of a borough is recorded in three cases, those of Higham Ferrers, Weymouth and Denbigh¹.

The Chesterfield evidence leaves some uncertainty as to the exact status of those who enjoyed the "freedom" without being possessed of a burgage as compared with that of the burgesses strictly so called. In the case of the sons and daughters of a burgess, other than the eldest son, emphasis is laid on their wish to trade, and we may perhaps doubt whether they were called upon to take part in the judicial and administrative duties of the burgesses². In some boroughs, it is true, married women could do suit of court for their husbands or eldest sons, but this was a case of representation when the men were absent³. At Bakewell the tenants of the burgesses had a share in the rights of common in moor, pasture and waters proportioned to the size of their tenement⁴.

The clauses which are grouped under the head of tenurial franchises are interesting because they exhibit the concessions that were needed to make a settled trading life possible. In some charters the lord formally gave up the right to force the burgesses to serve as reeve or as keeper of his mills and ovens or as his agent in other capacities⁵. The lord's right of taxing his tenants under whatever name it was exercised, whether purveyance, caption, prise or aids and tallage had to be brought within bounds. Forced sales were forbidden at Dunheved and Montgomery⁶. Many charters fix a limit of time to the credit that the lord might take for goods supplied or money advanced to him. The limit ranged in different boroughs from 15 to 91 days, but 40 was most common⁷. In the Carmarthen group a shilling was fixed as the maximum that a burgess could be required to lend to the lord's bailiff against his will. The prise or caption of beer, wine, fish or other commodities was usually defined in the charters as the right to take a certain quantity at something below the market rate⁸. The burgesses of Morpeth bought out the lord's ale prise in 1294.

¹ III 12.² Cf. *H.E.L.* I, 672.³ Tait, *Mediaeval Manchester*, p. 83.⁴ II A 7. The burgesses of Totnes claimed to exempt non-resident traders from tolls, etc., for a small annual payment to the lord, but were obliged to consent to a compromise (*Gross, Guild Merchant*, II, 237).⁵ II B 21.⁶ II B 7, 8.⁷ II B 8.⁸ II B 8; VI 4.

Aids and tallages¹ are not always distinguished and aids in the strict feudal sense were rare, but Saltash and Morpeth have to be added to the list of boroughs which paid all or part of these. The right to levy tallages was often limited to the case of the king tallaging his free towns and (as we learn from the Chesterfield charter) authorising other lords to do the same. The chapter of Winchester retained also the right to call upon Weymouth for a tallage if any special misfortune happened to their church. Bodmin and Berkeley stood alone in securing immunity from all such imposts.

It is significant that the mediatised borough of Leicester did not obtain the abolition of a payment in commutation of agricultural services on the earl's demesne until nearly the middle of the thirteenth century. The charters of Laugharne and Tenby relieved the burgesses from much more onerous burdens of this kind².

Suit to the mill and oven of the lord was usually retained, though often with alleviations, such as the allowance of handmills and of baking bread not intended for sale, or all but particular kinds of bread. Only three towns, Agardsley, Haverfordwest and Warton were entirely exempted from culture³.

The exceptional conditions of the Welsh March are reflected in the clauses which secure the burgesses of towns like Haverfordwest from abuse of their duty of military service⁴. At Denbigh the retention of burgages was made conditional on the finding of an armed man to guard and defend the town, but the burgesses of Tenby were excused all but voluntary castleward and millward, and any army or riding service outside the town from which they could not return the same day and by daylight.

There is nothing in the seignorial charters corresponding to the mitigation of the forest law in favour of the burgesses of certain royal boroughs, except that the men of Dunster were allowed to kill rabbits which were doing damage, if they took the skins to the castle⁵.

If the most fortunate mesne borough enjoyed a smaller measure of self-determination and other privilege than one which had direct relations with the crown, the defect must be traced to want of will as well as want of power on the part of its lord. It is true that he could not secure for his burgesses general exemption from tolls throughout the kingdom or the whole of the king's dominions without such a special royal charter as was exceptionally granted to Salisbury, Reading and some smaller boroughs⁶. Unless he had the rare franchise of return of writs himself, he could not guarantee his men against the frequent intervention of the sheriff and his officers.

¹ II B II.

⁴ II B 9.

² II B 15.

⁵ II B 5.

³ II B 17.

⁶ VA 7.

But the seignorial boroughs were mostly small, with no wide trading connexions. Freedom from tolls within Cornwall or Cheshire sufficed for the Cornish and Cheshire boroughs, and many lords could not bestow even so wide an immunity as this¹. The privilege of return of writs was prized by the royal boroughs, we have seen, more because it completed their financial emancipation from the sheriff than because it freed them from his judicial control.

It was quite competent, of course, for a mesne lord to grant his borough at fee farm to the burgesses and so relieve them, in part at all events, from that intermeddling of his own officers which answered to the intromission of the sheriffs in the royal boroughs. Fee farm grants of the same type as those made to the latter were received by eleven mesne towns in England and Wales, Brecon, Clitheroe, Dunheved, Exeter, Farnham, Helston, Liskeard, Montgomery, Plympton, Richmond and Wycombe and by two in Ireland, Cashel and Kilmaclenine². In some cases the farm did not include all the lord's profits, such revenue as escheats, amercement for certain offences as bloodshed and theft, mill rents, etc., being excepted. It is noteworthy that at Montgomery the reservations comprised *inter alia* specified lands and the homage and services of five tenants whose names are given, while at Farnham three tenants were mentioned "qui nobis in capite respondebunt sicut prius consueuerunt." Reservations were one thing; quite another was the renunciation which Edmund of Lancaster extracted from the burgesses of mediatised Newcastle-under-Lyme, between 1292 and 1297, of the fee farm grant obtained from the king forty years before. Leicester, the most prosperous of the seignorial boroughs did not obtain the "*firma burgi*" at all until long after this period.

Two grants in England (Newport, I. W. and Sheffield) and one in Ireland (Cloyne) have been placed here which might with equal or greater propriety have been put into an earlier section³. But they seem to have something in common with the *firma burgi* concessions. They are indeed grants of the burgages (tofts at Sheffield) of the town not of the town itself, but the charters instead of fixing the rent of the individual burgage, as was usual, prescribes a collective rent. For this the community was evidently responsible⁴, since it is associated at Newport with a small annual payment to a hospital which was stipulated for, and at Sheffield the grant was definitely made at fee farm to the free tenants and their heirs⁵.

¹ V A 8.

² VI 1.

³ Mr Ballard had in fact placed the Cloyne clause in II A 1, but assigned the Newport grant to VI 1.

⁴ Even under the individual arrangement the community was sometimes held responsible for the rent of a vacant burgage.

⁵ It may be noted that the grant of an individual burgage at a perpetual fixed rent *pro omni servicio*, etc., is itself a grant in fee farm.

If additional burgages could be created by subdivision the profit, if any, would presumably under this arrangement go to the community not to the lord. It was a step therefore which might lead to a more complete commutation of the seignorial profits such as we find in the normal grant of the *firma burgi*. At Newport, indeed, it was accompanied by a fee farm grant of the mills, toll, custom and amercements of the borough.

A grant of a merchant guild was equally within the competence of the mesne lord. Twelve such grants are included in this volume, to which must be added a royal grant of the guild to the prior and convent of Coventry for their men there (1267)¹. In boroughs where the lord or his steward or bailiff presided in the borough court, the guild under its own president afforded the only regular opportunity for free discussion of communal affairs. This freedom must not, however, be exaggerated, for we find the abbot of Reading insisting on choosing the warden of the guild from among its members and taking an oath from him. He also exacted fees from the guildsmen, as seems to have been done originally at Leicester².

In such small boroughs as Altrincham, whatever the value of the guild as an outlet for burgess opinion, its trading importance can have been but slight.

The judicature clauses in seignorial charters contain much interesting detail and throw light on the extent to which the courts of mesne boroughs were allowed to approximate to the large measure of independent jurisdiction and substantial freedom from interference enjoyed by the courts of royal boroughs which held the fee farm and elected their own officers. Exemption from pleading in courts outside the borough the lords were usually ready to concede, so far as their immunities extended. The courts of the royal justices were, of course, an almost universal exception, but occasionally they seem to have been held in a mesne borough as at Lostwithiel, the burgesses of which, like those of some royal boroughs, had the right of making all necessary attachments before their coming, thus excluding the sheriff from entering the town to make arrests and take gage and pledges³. In the March of Wales where the Marcher lords held the pleas of the crown, Gruffydd son of Gwenwynwyn could empower his burgesses at Welshpool not only to attach but to try all thieves, homicides and malefactors found in the borough⁴, a privilege which Humphrey de Bohun at Brecon limited to fair-time⁵, though he allowed felonies arising in the borough at other times to be tried there by his bailiff⁶.

¹ VBI.² See above, p. lxxvi.³ IVA 4.⁴ IV C 8.

⁵ IVA 2, 5 (a). The trial of felonies in fair courts was rare in England, and in the known cases it was in the hands of others than the town authorities, e.g. the abbot of St Werburgh's at Chester (Gross, *Law Merchant* (Selden Soc.), I, xxiv).

⁶ IVA 5.

Exemption from pleading in the shire court was less general than freedom from the hundred court¹. In Cornwall, Truro, Lostwithiel, Dunheved and probably Saltash enjoyed both, the Saltash court being itself described as the hundred. Helston had the same privilege except for cases touching tenements outside the town. Not all great lords were so liberal as the earl of Cornwall, or indeed had it in their power. The earl of Pembroke's burgesses at Tenby, though quit of ordinary suit to the shire court, could be impleaded there by writ, and perhaps no more is meant by the quittance of the members of the merchant guild at Reading and the burgesses of Newport (I. W.) from shires and hundreds. This latter privilege was inserted in the Chesterfield charter of 1294, but "shires" was afterwards erased. Did the grantor find that he had outrun his powers?

Founders of boroughs were not quite so liberal in freeing their burgesses from suit and pleading in their own higher courts, at all events if they were held in or near the town². Henry de Lacy exempted his burgesses of Congleton from attendance at his distant court of Halton and Walter de Lindsay more generously allowed borough court to be demanded of burgesses of Warton impleaded in his chief court of that fee, if proper notice were given. But Thomas Grelley reserved cases of theft for his baronial court at Manchester, and the far more liberal charter of the bishop of Winchester to Farnham still required the attendance of the burgesses twice a year at the Lawday meetings of his private hundred court in the castle, for view of frankpledge, etc. The same reservation was made at Chard by the bishop of Salisbury. In Ireland, on the other hand, the borough of Cashel was given a hundred (court) and a *curia baronie* by the archbishop³, and hundred was the general name for an Irish borough court at all events in towns which were influenced by Bristol and her daughter Dublin.

The borough court in England, in some cases, as in the Salford group of towns, called Portmanmoot and at Manchester distinguished as the burgess court from the *curia domini*, i.e. the baronial court, but more often referred to simply as the lord's court, was in origin the ordinary tri-weekly (occasionally fortnightly) manorial court. The four stated meetings of the Manchester portmoot, with intermediate lawdays when needed, perhaps point to an original halmoot⁴. New names and the profession that it was the burgesses' own court could not make it really other than the lord's court still, so long as his steward or bailiff presided in it and he took directly the whole or part of the fines and amercements. It was only when the lord relinquished this control, as happened when

¹ IV A 4.² *Ibid.*³ IV A 2.⁴ Tait, *Mediaeval Manchester*, pp. 77-8.

the town was granted at fee farm to the burgesses that its court became in any real sense independent. Thus the burgesses of Farnham on taking over the farm received a clause prescribing that they "should do suit at their own court before their own bailiffs, as they were wont to do before our bailiffs"¹. At Richmond it was only on complaint of defect of justice in the borough court that the lord's steward was entitled to remedy it "according to the custom of the borough laws"². The same rule obtained at Liskeard and probably in the other chief Cornish boroughs. At Leicester, though the burgesses did not farm the borough, the earl's steward only occasionally appeared in the portmanmoot, and rarely interfered in its proceedings³. The importance of the town put limits on the exercise of the lord's authority.

Among the minor seignorial boroughs Kirkham in Lancashire was allowed more freedom than most, electing its own bailiff and punishing malefactors and breakers of the assizes of bread and beer with gaol, pillory and tribbleget or ducking stool; "judicial instruments" which the lord usually kept in his own hands, even at Farnham⁴. Kirkham was probably fortunate in the fact that its lord, the abbot of Vale Royal lived far away in Cheshire. The burgesses of Warrington were forced to renounce their borough court when its growing independence alarmed the resident lord⁵.

There were many degrees of seignorial influence from these more or less independent borough courts down to the court of the petty borough with a score or two of burgesses. In many cases little was changed in the lord's court by the formation of a borough. At Sheffield, not formally a borough, however, the only change noticed in the charter was an assurance that those amerced in the court of freeholders should have their amercements fixed by their peers in proportion to the gravity of the offence⁶. At Bakewell, a mixed borough of burgesses and freeholders, there was not even a formal distinction between a court meeting at frequent intervals, which in one sense could be called the burgesses' court, and the one or two more solemn courts which were in every sense the lord's. There was but one court, attendance at which was only enforced at the great Michaelmas session and at other times if they were impleaded or when the king's writ of right was in the court or there was a prisoner to be judged⁷. The same feature is found in the more normal boroughs of Congleton and Chesterfield.

¹ IV A 2.

² IV A 18.

³ Bateson, *Hist. of Leicester*, xxiv, xxxviii.

⁴ IV D 4.

⁵ *V.C.H. Lancs.* III, 319. For the unsuccessful attempt of the burgesses of Totnes to withdraw the cognizance of the assizes of bread, beer and measures from the officers and court of their lord, see Gross, *Gild Merchant*, II, 237-9.

⁶ IV D 3. The same clause at Altrincham.

⁷ IV A 19.

Some fuller definitions are supplied of the business which came before the ordinary courts in a borough, normally meeting every three weeks. But first we should note the curious survival at places as far apart as Chard and Manchester of the archaic liberty to compound or arrange minor breaches of the peace without being brought into court and amerced¹. The Chard rule seems limited to quarrels arising in houses and the Manchester offender's immunity was dependent on his reaching his house without being attached by the reeve.

From the Knutsford charter we learn that the portmoot dealt with all pleas of trespass, attachments, and breach of contracts². Truro and Lostwithiel had grants of sac and soc, toll and team and infangenthef³. They tried all pleas of lands, tenements, debts, and contracts and all trespasses within the liberty⁴. Theft, as we have seen, was not always cognizable. The assizes of bread and beer are not often mentioned, but at Kirkham seem clearly to have been administered by the burgesses⁵. The bishop of Winchester did not go so far as that at Farnham, where the burgesses had the assizes and the amercements but the bishop reserved to himself the pillory and tumbrel for confirmed offenders. At Agardsley in Staffordshire the lord took the third amercement for breach of the assize, and all for bloodshed and unjustified hue and cry⁶. At Bakewell amercements for brewing weak beer were suspended in fair-time, and from Christmas Eve to St Hilary's Day "out of reverence for the feast of Christmas"⁷. An interesting experiment was tried at Swansea, amercements and punishments for breach of the assizes with bread-tryers and ale-tasters being abolished by the charter of 1306, and the aggrieved consumer left to seek his remedy at law⁷. The barons of Faversham had to renounce to their lord the abbot all pleas of infangenthef and outfangenthef, etc.⁸ On the other hand, the burgesses of Newport (I. W.) were allowed to take all amercements from pleas and complaints between them⁹.

The charter of William de Braose to Swansea (1306), which is probably the longest document of its kind extant, is notable *inter alia* as containing the fullest list of crimes for which bail was not allowed¹⁰, entrusting the taxation of amercements to the reeve selected by the lord's steward from two persons elected by the burgesses¹¹, renouncing the right to name any of his bailiffs sheriff¹², providing for the prosecution of his peccant officials in the hundred (court) of the town without formalities of pleading (*sine solemnitate narrationis*)¹³, and regulating the issue of writs from the lord's chancery especially in cases where he was

¹ IV A 1.⁴ IV A 4.⁷ IV D 4.¹⁰ IV B 5 (a).¹³ VII 5.² IV A 4.⁵ IV D 4.⁸ IV A 19.¹¹ VII 2.³ IV A 3.⁶ IV A 19.⁹ IV D 8.¹² II B 21.

the defendant¹. It is interesting as an elaborate attempt to check the abuses of the administration of a powerful marcher lord, often an absentee, and strengthened by a penalty clause, the grantor engaging in case of any breach of the charter to forfeit five hundred pounds to the king and five hundred marks to the injured person or persons². The whole charter is very different in tone from those of other lords marcher in this volume³ and a comparative study of their administration would be well worth making, if sufficient materials could be found.

Except in the case of large mediatised boroughs like Leicester, little or nothing is known of the administration of the seignorial borough in the thirteenth century. It is less surprising than it appears at first sight that the only express charter grant of the right to make bye-laws was made not to a royal borough, but to the mesne borough of Oswestry in 1263⁴.

The charters throw more, but still scanty, light upon the trading aspect of these towns. Crafts such as those of shoemakers, skinners and fullers were forbidden to be exercised in the wapentake of Salford outside the borough⁵, but the saving of the liberties of the barons, and a subsequent grant of the same privilege to Bolton must have much restricted the concentration of trades in Salford.

The charters of certain boroughs such as Chard, Chesterfield, Bakewell and Swansea excluded "foreign" traders, or, in some cases, all non-burgesses, from pursuing the trades of tanners, dyers, cloth-cutters, butchers, fishmongers and the like within the liberties of the town or buying or selling therein⁶. The exclusion was sometimes confined to specified commodities and exception is occasionally made of fair-time or a failure of the bread supply. William de Braose stipulated that the burgesses of Laugharne should not be excluded from Swansea. The prior and convent of Winchester, on the other hand, opened the port of Weymouth to all comers on payment of the proper dues⁷.

A few boroughs, chiefly in Cornwall, had a clause in their charters assuring the burgesses freedom of movement and trade within the range of the grantor's influence⁸.

The existence of a merchant guild in some of these towns has already been mentioned⁹. Oswestry, Chesterfield and Bakewell had clauses in their charters directed against forestallers and regraters¹⁰. The burgess lot or share in bargains is recorded at Chesterfield¹¹ and the lord's right of pre-emption at Dunster and Hartlepool¹². The Dunster clause protected the burgesses against anticipation by outside buyers.

¹ IV A 19.

² I 21.

³ The charter was the result of proceedings taken in the king's court by the burgesses against Braose (I 6).

⁴ IV G.

⁵ V A I.

⁶ V B 4.

⁷ V B 5.

⁸ *Ibid.*

⁹ Above, p. lxxxiii.

¹⁰ V B 10.

¹¹ V B 13.

¹² V B 11.

A grant of a market, with or without a fair or fairs, figures in some seignorial charters, but where it is not merely a confirmation of an existing privilege, it emanates from a lord who was invested with palatine or quasi-palatine powers such as Richard the brother of Henry III in Cornwall, the bishop of Durham at Hartlepool and the lord of Neath in the March of Wales¹. As markets and fairs were freely licensed by the crown in ordinary manors, many towns possessed them for some time before they received borough charters from their lords². Such grants in a certain number of cases were, no doubt, obtained in view of the creation of a borough which for some reason was deferred, but this need not be assumed as the general explanation of the fact.

The creation of minor boroughs on so extensive a scale as characterised it in England had inevitably a strong element of experiment. The local lord was by no means always a good judge of the potentialities of his handiwork. His attempt to develop rural into urban communities was often futile, or at least premature. Of the nineteen lesser boroughs, in addition to the four greater ones (Lancaster, Preston, Wigan and Liverpool) which were created in Lancashire during the middle ages, and chiefly in the thirteenth century, nearly all relapsed sooner or later into the status at best of large villages which, from the sixteenth century onwards, were only distinguished from their neighbours by a certain survival of burgage tenure, which itself gradually died out³. The few which retained a real urban character nevertheless failed to attain a municipal government. Lancashire was a poor county and therefore perhaps not wholly typical, but the same causes, a stationary or retrograde economic position and the refusal of local lords to give real independence were at work elsewhere to depress not a few of the smaller boroughs of the middle ages⁴.

¹ V A 2, 3.

² Mr Ballard gives instances in which the interval varied from one to upwards of fifty years (*Scott. Hist. Rev.* XIII, 25). At Oswestry the grant of burgages between 1190 and 1200 was stated to be "for the improvement of the market" (vol. I, p. 81).

³ *V.C.H. Lancs. passim*.

⁴ For an excellent account of the later history of the seignorial borough, see Webb, *English Local Government*, vol. II (The Manor and the Borough). A full history of a single example is R. H. Gretton's *The Burford Records* (1920).

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OF CHARTERS

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Name of Borough	Date of Charter	I Forma- tion of Borough	II		III Burgess Franchise	IV Jurisdictional Privileges						V Mercantile Privileges		VI Borough Finan- ces	VII Borough Officers	VIII Public Ser- vices
			A Burgage Tenure and Law of Real Property	B Tenurial Privileges		C Proce- dure	D Pun- ish- ments	E Dis- tress	F G Boro' and Stree- Laws	A Markets and Fairs	B Guilds and Trad- ing					
Abbots Bromley	1222	8	1, 6, 7	17	...	...	...	...	...	...	...	...	...	4, II	...	...
Aberavon	1288-1313	8	6, 7	...	4	...	...	...	...	...	...	...	...	...	...	...
Aberystwyth	1277	3, 8	...	14	...	...	...	...	...	3	...	...	...	...	...	...
Agarstley	1263	8	1, 2, 7	8, 11, 17, 20	...	...	...	...	...	19	...	...	...	...	...	...
Alnwick	1226-53	8	7	...	...	...	...	...	...	...	...	...	...	12	I (c)	3
Altrincham	1290	...	1, 2, 6, 7, 9	17	...	...	...	...	...	4	9	...	...	I	...	...
Andover	C. 1200	12	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Appleby	1228 (a)	12	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bakewell	1228 (b)	12	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bamburgh	1232	12	6, 7, 8, 9, 16	17	...	...	...	...	...	8, 13, 19	...	...	...	I	...	...
Barnard Castle	1286	7	...	...	...	...	...	...	...	5	...	...	...	4, 10, 15	I (t)	...
	1255	7, 8	3, 7	17	...	...	...	...	...	...	...	...	...	I	...	...
	C. 1215-29	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1229-58	...	7	...	...	...	...	...	...	...	...	...	...	...	...	...
	1271-8	6, 12 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1237	12 (b)	7	...	...	...	...	...	...	...	...	...	...	...	...	...
Barnstaple	1272-1307	12	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1288	13 (a)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Basingstoke	1256 (a)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1256 (b)	...	...	5	...	...	...	...	...	14	...	...	...	I	...	...
Bath	1246	12 (b)	...	5	...	...	...	...	...	...	...	...	...	...	...	...
	1256 (a)	4, 13	15	...	...	...	...	...	...	4, 5, 14	5 (b)	...	...	...	...	...
	1256 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1275	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Beaumaris	1296	3	15	5	...	...	...	...	...	3, 5, 13	2, 4, 5	...	...	...	...	...
	? 1296	...	...	...	...	...	...	...	...	...	...	...	...	...	I, 3	...
		...	...	...	...	...	...	...	...	...	...	...	...	...	6	...

[illegible]

Name of Borough	Date of Charter	I	II		III	IV Jurisdictional Privileges						V Mercantile Privileges		VI	VII	VIII
			A	B		A	B	C	D	E	F G	A	B			
Canterbury (cont.)	1256 (a) 1256 (b)	12 (b) ...	...	...	...	4, 5, 13, 14	2, 4 (b)	...	...	...	...	...	10	...	...	...
Cardigan	1298 1230 1249 1284	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Carlisle	1221 1231 1234 1251 (a) 1251 (b) 1293	8 ...	15	8	...	...	4, 5	...	3	2	7	...	1	17	1 (c)	...
Carmarthen	1227 1254-7	12 (a) 6	...	8	...	...	...	...	...	...	...	...	...	1	1, 4	...
Carmarvon	1237 1285 1284 ? 1284	12 (b) 3 ...	6 15	5	1, 4, 11	...	4, 5 (a), (b)	...	3	...	...	...	9	...	...	...
Chard	1235 1271-2 1280 1286 1287	12 (b) 3 ...	2, 9 15	...	...	...	...	...	...	...	...	...	...	...	...	...
Chester	1233-7 1237 (a) 1237 (b) 1239 1300	12 (b) 4 12 (b) 12 (b) 12 (b)	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Chesterfield	1226-7 1232 1294	8 8	2 7, 13	21 11, 17, 21	...	...	...	...	...	...	...	...	...	...	...	...
Chipping Campden (Glouc.)	1247 c. 1247 1249	...	1	...	1, 2, 3	...	...	...	3	...	...	...	...	...	...	...
Chipping Sodbury (Glouc.)	1247	12 (b) ...	...	...	...	...	...	...	3	...	...	...	...	...	...	...

[illegible]

[illegible]

Name of Borough	Date of Charter	I	II		III	IV Jurisdictional Privileges						V Mercantile Privileges		VI	VII	VIII		
			A			B	Burgess Franchise	A	B	C	D	E	F G				A	B
			Burghage Tenure and Law of Real Property	Tenitorial Privileges														
Lyme Regis (<i>cont.</i>)	1285	4, 8	...	3, 6, 7	...	4	2	1, 2, 6, 11, 13	I	...	...	6, 7, 10, 17	10, 16	4	...	...
Lynn	1233 1234 1255 1257-66 1268 1280 1305 1309	12 (b) 12 (b) 12 (b) 13 12 (b) 7	... ... ... ... ... ... 1, 7, 9 2, 7, 9, 12, 15, 17, 20	... ... ... ... ... 17 17, 18	...	4	... ... ... 4 (a), (b) ... 4 1, 4 3, 5 (c)	... ... ... ... ... ... 4, 5, 8, 9, 10	... ... ... 3 ... 3, 4 ...	... ... 2 ... 8 ... 1 (a), 3 ...	... ... ... ... ... ... 6, 8, 15 ...	... ... ... ... ... I I ...	...	...	...
Macclesfield	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Maldon	1229	12 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Manchester	1239 1246 1286	4, 8	...	...	...	4	2	...	...	...	...	7 3 ...	...	...	...	...
Marlborough	1256	...	...	...	...	...	5 (b)	1, 2, 6, 11, 13	I	...	...	17 ...	10, 16	4	...	...
Melcombe Regis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monmouth	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Montgomery	1227 1228-9 1229 1267	3, 8 12 (b) ... ...	...	14 7, 8 ...	4	3	...	...	...	...	...	2, 3, 7, 12 12	1, 3 ...	...	...	...
Morpeth	1239-66 (a) 1239-66 (b) 1246-62 1239-66 (c)	12 (b) 12 (b) 12 (b) 12 (b)	...	8 1, 2 2, 6, 7 ...	...	...	...	...	...	...	...	7 ...	...	...	...	...
Neath	1294 1280	...	...	...	...	5	...	...	...	...	...	2 ...	...	4	...	...
Nether Wear	1278-9	8	...	4	...	...	...	...	...	...	...	3 7 ...	...	...	...	...
Newborough (Anglesey)	1303	3, 8	...	...	I	...	...	...	...	...	...	I 6 ...	...	...	...	...
Newcastle-under-Lyne	1235 1251 1281	3 ... ...	...	...	...	...	...	...	...	...	...	I 7 ...	...	...	...	...
Newcastle-upon-Tyne	1292-7 1234 (a) 1234 (b)	12 (a) 18	...	...	II	...	...	...	...	...	...	3 ...	...	I ...	...	...

Name of Borough	Date of Charter	I	II		III	IV Jurisdictional Privileges						V Mercantile Privileges		VI	VII	VIII
			A	B		A	B	C	D	E	F G	A	B			
Oxford University (cont.)	1231 (b)	...	...	...	...	5 (b)	...	...	...	...	...	...	...	...	...	...
	1231 (c)	...	21	...	...	15	4 (b), 5 (b)	...	...	...	...	...	...	...	...	I
	1234	...	...	...	...	...	...	...	4	...	...	...	...	...	...	...
	1244	...	...	...	...	...	...	...	...	...	...	...	16	...	...	...
	1248	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1251	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1255	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1256	...	21	...	...	...	...	...	...	...	...	...	...	...	...	...
	1262	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1265	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1268	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1275	12 (b)	4 (a)
	1284
	1286
Pembroke Penryn ...	1303	...	21
	1305 (a)
	1305 (b)
	1305 (c)
	1305 (d)
	1356
	1366
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	1462-85	2
Plympton	1285	...	5 (a), (b)
	1278 (a)
	1278 (b)
	1278 (c)
Pontefract	7	...	6, 7
	c. 1248
Poole ...	1229 (a)
	1229 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1255	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1256	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Preston	1227	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1252	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1299	...	15	...	...	...	...	...	...	...	...	...	...	...	...	...
"Ravensrod"	3, 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1253	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Reading	1253	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1254	...	...	...	...	...	...	...	3	...	...	...	...	...	...	...

[illegible]

Name of Borough	Date of Charter	I	II		III	IV Jurisdictional Privileges						V Mercantile Privileges		VI	VII	VIII
			A	B		A	B	C	D	E	F G	A	B			
Swansea	1234 1306	12 (a) 6, 7, 15, 21	6, 7 ...	8, 9, 11, 20, 21	6	14 (b), 19	5 (a)	3, 12	3, 4, 10	...	...	8	4, 5	4	2, 5	...
Tenby ...	1265-94	...	7, 16	9, 15	I	5, 6	5 (a)	...	I (a)	...	...	8	...	4	1 (b), 2	...
Tintagel	1285-56	3, 8	p. xxxlii	...	...	...	...	...	...	...	...	2, 3, 8	...	...	...	...
Totnes ...	1306	See	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Truro ...	1285	12 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ulverston	1284	...	...	21	...	...	...	...	...	...	...	...	...	...	...	...
Uttoxeter	1232	3	2, 7	2, 11	3, 9	...	...	...	...	...	...	8	...	3	...	...
Wallingford	1267	12 (b), 13	...	...	...	...	...	...	...	...	...	7, 9, 10, 12	4	...	...	...
Waremouth	1247	8	...	3, 6, 19	...	4	1, 2	2	2	2	...	...	I	...	...	...
Warrington	1292	See	Appendix B	...	...	...	...	...	...	...	...	...	...	...	...	...
Warton...	1300	...	...	...	...	20	5 (a)	...	...	...	...	...	15	4	...	...
Wavertree	1246-71	8	1, 4, 6, 7	8, 11, 17, 21	...	17, 19	5 (a)	...	3	...	...	...	...	...	...	...
Wavertree	1300	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wells ...	1290	12 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Welshpool	1241-C, 1286	3, 8	...	...	4	...	...	8	...	...	...	8	1, 4	...	...	...
Westcheap	1255-8	17	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Weymouth	1252	3, 8	1, 2, 9	II	12	4	...	9	3, 4	...	...	8	5	4	1 (c)	...
Wigan	1246	3	...	...	...	3, 6	...	...	...	...	...	7, 12	1, 3	...	...	...
Wilton	1229	12 (a)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Winchester	1281	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Winchelsea (New)	1283	8	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Winchester	1288	8	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Winchester	1227	12 (a)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Windsor (New)	1290	12 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Worcester	1277	3, 8	7	...	I	...	...	...	...	...	...	...	...	...	...	...
Worcester	1227	...	...	...	4	...	...	...	...	...	...	...	...	...	...	...
Worcester	1256	...	...	...	...	3, 5	...	...	...	...	...	7	I	...	...	...
Worcester	1264	12 (b)	...	...	...	5, 14	...	...	...	...	...	7	1, 3	...	...	...
Wotton-under-Edge	1253 (a)	...	2, 4, 7	II	...	4, 8, 14	5 (b)	...	...	2	...	...	...	...	...	...
Wotton-under-Edge	1253 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wotton-under-Edge	1282	12 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wycombe	1226	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wycombe	1285	12 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wycombe	1237	12 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Yarmouth, Gt...	1285	12 (b)	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Yarmouth, Gt...	1256 (a)	...	...	...	...	14 (a), (b)	...	...	...	...	...	...	10	...	...	...

IRELAND

[illegible]

BOROUGH CHARTERS¹

I. FORMATION OF BOROUGH

(1) License to create Borough

[No royal licenses of this period for English or Welsh boroughs have survived, but reference is made to such licenses in the charters of Abbots Bromley (II A 1), Congleton (V A 8, a doubtful case), Kirkham and Ormskirk (I 3)². The text of a license granted by Richard I in 1189 to the bishop of Bath and Wells for a borough at "Radeclive" in Somerset, which was omitted in vol. 1, will be found in Appendix A below. The permission granted by Alexander III of Scotland to Lindores abbey in 1266 to have a free burgh and market with the liberties of both at their vill by the monastery (section 3 below) has all the appearance of a license to create and might have been placed here, were it not that the vill is referred to as already called Newburgh (*Novus Burgus*). This perhaps presupposes an earlier step on the part either of king or abbey.]

(2) Creation of Borough

[AYR, 1202-7. Willelmus Dei gratia Rex Scottorum....Sciatis me ad novum castellum meum super Are burgum fecisse.

(William by the grace of God King of the Scots....Know ye that I have established a burgh at my new castle upon Ayr.)]

DUMBARTON, 1221. *For super Are read apud Dunbritan.*

DINGWALL, 1226. *For ad...Are read Dingwell in Ros.*

NEW WINCHELSEA, 1281. Edwardus etc....dilectis et fidelibus suis Stephano de Pencestria, Iterio Engolisma et Henrico le Waleys salutem. Sciatis quod assignavimus vos ad assidendas placias apud Ihame et eas per certam arrentationem juxta legalem extentam per vos

¹ In the following pages, any clause which appears in more charters than one is usually printed from the earliest charter in which it appears, and the other charters are noted with their variations; but among such variations no notice is taken of

(1) The interchange between *burgus* and *civitas*, or *burgensis* and *civis*, or place names.

(2) The change from singular to plural in the Royal Style after the accession of Richard I.

(3) Any variation in the order of words, unless such variation produces a change of meaning.

(4) Any change in conjunctions, e.g. *etiam* for *insuper*, and the like.

Where a charter is the grant of a mesne lord, the name of the town to which it was granted is printed in italic capitals.

² For recital of earlier licenses to create Borough, see vol. 1, p. 42 (Burton-on-Trent); vol. 1, p. 23 (Beverley); vol. 1, p. 21 (Morpeth); vol. 1, p. 2 (St Andrews).

inde faciendam baronibus et probis hominibus nostris de Wynchelsee edificandas et inhabitandas juxta discreciones vestras committendas. Et ideo vobis mandamus quod vos omnes, vel duo vestrum, quos ad hoc vacare contigerit, in propriis personis vestris apud Ihame accedatis et placias ibidem assideatis, et eas prefatis baronibus edificandas et inhabitandas committatis in forma predicta; salva tamen Dominis immediatis placiarum predictarum rationabili extenta cujuslibet acre per vos assesse et ad inhabitandam commisse juxta discreciones vestras predictas, sicut predictum est.

(Edward etc....to his beloved lieges Stephen de Penchester, Iterius of Angoulême, and Henry le Waleys greeting. Know ye that we have assigned you to assess the sites at Iham and to demise them to our barons and good men of Winchelsea for building and habitation at a fixed rental according to a legal extent to be made by you at your discretion. And therefore we command you, that you all, or two of you as you happen to have opportunity, go yourselves to Iham and there assess the sites and demise them to the aforesaid barons for building and habitation in manner aforesaid; saving nevertheless to the immediate Lords of the sites aforesaid a reasonable rent of each acre assessed by you and demised for habitation at your discretion as is aforesaid.)

KIRKHAM, 1296. Cum Edwardus Dei gratia Rex Anglie nobis contulisset manerium de Kirkham in liberam, puram et perpetuam elemosinam et tandem in charta sua concessisset nobis in eodem manerio liberum burgum habere, Nos unanimi consilio et concensu decrevimus ibi liberum burgum construere dantes et concedentes burgensibus in eodem burgo manentibus eorumque heredibus libertates et liberas consuetudines subscriptas tenendas et habendas de nobis et successoribus nostris sibi et heredibus suis et suis assignatis per presentem cartam in perpetuum confirmatam in premissis¹...

(Whereas Edward by the grace of God King of England conferred on us the manor of Kirkham in free, pure and perpetual alms and finally by his charter granted us that we might have a free borough in our manor, We² with the unanimous advice and consent (sc. of our chapter) have determined to build a free borough there, giving and granting to the burgesses dwelling in the same borough and to their heirs the liberties and customs hereunder written to hold and to have of us and our successors to them and their heirs and assigns by the present charter confirmed to them for ever in the premises.)

(3) Grant of liber burgum³

SALISBURY, 1227. (To Bishop of Salisbury.) Quod locus ille qui dicitur Nova Sarisberia sit libera civitas in perpetuum, clausa fossatis sicut inferius notatum est.

(That the place called New Salisbury be a free city for ever, enclosed with ramparts as is noted below.)

¹ See p. xlii.

² Walter, abbot of Vale Royal.

³ See also I 8 (Berwick), III 1 and II A 1 (Higham Ferrers). A grant of free borough is said to have been made to Burford (Salop) in 1265-6 (Eyton, *Salop*, IV, 318).

MONTGOMERY, 1227. Quod villa nostra de Mungumery liber burgus sit in perpetuum.

(That our town of Montgomery be a free borough for ever.)

DROGHEDA (Louth), 1229.

Line 1. *For Mungumery read D. versus Uriel.*

DROGHEDA (Meath), 1247.

Line 1. *For Uriel read Midiam.*

LIVERPOOL, 1229 (a).

WIGAN, 1246. (To John Mansel.)

Line 1. *For nostra read sua.*

Liber is supplied from the volumus clause.

NEWCASTLE-UNDER-LYME, 1235.

Line 2. *Omit in perpetuum.*

DEGANWY, 1252. As Montgomery.

BRIDPORT, 1253.

Line 1. *Omit nostra.*

2. *For in perpetuum read de cetero.*

MACCLESFIELD, 1261. As Newcastle-under-Lyme

CLIFTON (Worc.), 1270. (To Roger de Mortimer.)

Line 1. *For nostra read ejus.*

LYDHAM, 1270. (To Adam de Montgomery.) As Clifton.

WINDSOR, 1277.

Line 2. *For in perpetuum read de cetero.*

ABERYSTWYTH, 1277. As Windsor.

SALFORD¹, c. 1230. Quod villa de Salford sit liber burgus.

(That the town of Salford be a free borough.)

BOLTON, 1253.

STOCKPORT, c. 1260. *Add secundum cartam quam impetravi a domino*

Cestreshirie (according to the charter which I have obtained from the lord of Cheshire).

CHARD, 1235. Quia desideramus emendationem manerii nostri de Cerde volumus et concedimus quod villa de Cerde infra metas subscriptas sit liber burgus in perpetuum. Hae autem sunt metae burgi illius....

(Because we desire the improvement of our manor of Chard we will and grant that the town of Chard within the underwritten boundaries be a free borough for ever. Now these are the boundaries of that borough....)

UTTOXETER, 1252. (William de Ferrers, earl of Derby.) Noveritis nos concessisse, etc pro nobis et heredibus nostris, omnibus burgensibus nostris de Uttokeshater² quod habeant decetero liberum burgum et libera burgagia sua cum pertinenciis in villa de Uttok', sicut quidem (*sic*) prius assisa fuerunt³, etc., reddendo⁴....

¹ See *V.C.H., Lancs.* II, 193.

² Uttoxeshather in Mosley's translation (*Hist. of Ashbourne*, p. 302). The text is from a brief abstract of the charter in Harl. MS. 2060 (fo. 16 (old 24)).

³ The translation, from which I have corrected "quidem" to "quaedam," continues: and others hereafter shall happen to be, with free ingress and egress, to be held of us and our heirs, to them and their heirs or assigns and their heirs for ever, as freely and as decently they shall and may hold the same as free burgesses, with all liberties, free common and easements to a free borough belonging.

⁴ See II A 2.

(Be it known to you that we have granted, etc., for us and our heirs, to all our burgesses of Uttoxeter that they shall have henceforth a free borough and their free burgages with their appurtenances in the town of Uttoxeter, as some of them have formerly been assessed, etc. paying....)

WEYMOUTH, 1252. Et quod villa nostra de Wayemue sit liber burgus intra metas et bundas subscriptas, sicut perambulatio facta est et assisa per nos et seneschallum nostrum, videlicet...(here follow boundaries).

(And that our town of Weymouth be a free borough within the metes and bounds underwritten as the perambulation was made and fixed by us and our steward, to wit....)

CAMELFORD, 1260. Sciatis nos ad instantiam Ricardi illustris regis Allemannorum de gratia nostra speciali concessimus...quod villa sua de Cameleford in Cornubia quam idem rex per cartam suam nuper fecit liberum burgum cum mercato singulis septimanis per diem Veneris et cum feria singulis annis per tres dies duratura, videlicet in vigilia et in die et in crastino translacionis Sancti Swithun, remaneat liber burgus cum praedictis mercato et feria et omnibus libertatibus et liberis consuetudinibus ad huiusmodi burgum mercatum et feriam pertinentibus in perpetuum.

(Know ye that we, at the instance of Richard the distinguished King of the Germans, of our special favour, have granted...that his town of Camelford in Cornwall, which the same king by his charter lately made a free borough with a market every week on Friday and with a fair to last for three days every year, to wit, on the eve and the day and the morrow of the translation of St Swithin, shall remain a borough with the aforesaid market and fair, and all liberties and free customs pertaining to such a borough and market and fair for ever.)

NEWBURGH, 1266. Sciatis nos...dedisse...religiosis viris abbati et conventui de Lunderis ut ipsi et eorum successores in perpetuum habeant villam eorum que dicitur Novus Burgus juxta monasterium de Lunderis in liberum burgum et forum in eodem burgo quolibet die Martis cum libertatibus burgi et fori, salvis in omnibus burgorum nostrorum libertatibus.

(Know ye that we...have granted...to the men of religion, the abbot and convent of Lindores that they and their successors for ever shall have their town which is called the New Burgh near the monastery of Lindores as a free burgh, and shall have a market in the same burgh every Tuesday, with the liberties of a burgh and market, saving in all things the liberties of our burghs.)

[*HELSTON*, 1201¹. Quod burgus noster de Helleston sit liber burgus.

(That our borough of Helston be a free borough.)]

¹ Cf. vol. 1, p. 3.

LISKEARD, 1240.

DUNHEVED, 1225-56.

TINTAGEL, 1225-56. As Dunheved.

LOSTWITHIEL, 1268. Quod burgi nostri predicti de Lostwithiel et Penknegh unus et liber burgus si[n]t.

(That our aforesaid boroughs of Lostwithiel and Penknight¹ be a united and free borough.)

WEST LOOE, ? 1243. Noveritis me concessisse...domino Odoni de Treverbyn et heredibus suis quod burgus suus de Porbuan sit liber burgus.

(Know ye that I (sc. Richard, Earl of Cornwall) have granted...to lord Odo de Treverbyn and his heirs that their borough of Porbuan shall be a free borough.)

CONGLETON, 1272-c. 1274. Sciant presentes et futuri quod nos Henricus de Lascy, comes Lincolnie et constabularius Cestrie, dedimus... liberis burgensibus de Congulton quod predicta villa sit liber burgus.

(Know all men present and future that we Henry Lacy, earl of Lincoln and constable of Chester, have given...to the free burgesses of Congleton that the aforesaid town be a free borough.)

CONWAY, 1284. Quod villa nostra de Aberconeweye de cetero liber burgus sit.

(That our vill of Conway henceforth be a free borough.)

CARNARVON, 1284.

CRICCIETH, 1284.

BERE, 1284.

HARLECH, 1284.

FLINT, 1284.

RHUDDLAN, 1284.

LYME [REGIS], 1284.

CAERWYS, 1290.

Line 1. *For nostra read illa.*

OVERTON, 1292.

BEAUMARIS, 1296.

NEWBOROUGH (Anglesey), 1303. As Caerwys.

ORMSKIRK, c. 1286. Omnibus sancte matris ecclesie filiis ad quos presens scriptum peruenerit, Frater Warinus, prior de Burscogh, et eiusdem loci canonici salutem in Domino sempiternam. Nouerit universitas uestra nos dedisse, concessisse et hac presenti carta nostra confirmasse pro nobis et successoribus nostris burgensibus de Ormeskirk et eorum heredibus et assignatis quod habeant liberum burgum apud Ormeskirk imperpetuum, eciam omnes rectas consuetudines et libertates, prout in carta domini regis plenius continetur.

(To all sons of holy mother church to whom the present writing shall come, brother Warin, prior of Burscough, and the canons of the said place eternal salvation in the Lord. Know ye all that we have given, granted and

¹ In Lanlivery.

by this our present charter confirmed for us and our successors to our burgesses of Ormskirk and their heirs and assigns that they shall have a free borough at Ormskirk for ever, also all right customs and liberties, as is more fully contained in the lord king's charter¹.)

WELSHPOOL, 1241-c. 1286. Noverit universitas vestra me concessisse et...confirmasse dilectis et fidelibus burgensibus nostris de la Pole et heredibus suis ut habeant liberum burgum in villa de Pole, ita quod prefati burgenses et eorum heredes fuerint liberi de omnibus consuetudinibus et serviciis mihi et heredibus meis in omnibus terris ubicunque fuerint pertinentibus.

(Be it known to you all that I have given and...confirmed to my beloved and faithful burgesses of the Pool, that they shall have a free borough in the town of Pool, so that the aforesaid burgesses and their heirs shall be free of all customs and services pertaining to me and my heirs in all my lands where-soever they may be.)

LLANFYLLIN, after 1286.

KIRKHAM, 1296. Quod antedictus burgus de Kyrkeham sit liber burgus.

(That the aforesaid borough of Kirkham be a free borough.)

HULL, 1299. Sciatis quod ad meliorationem ville nostre de Kyngeston super Hull et utilitatem et commodum hominum nostrorum eiusdem ville Volumus et concedimus...quod predicta villa nostra de cetero liber burgus sit.

(Know ye that for the improvement of our town of Kingston on Hull and for the advantage and profit of our men of the said town, We will and grant that our town aforesaid shall henceforth be a free borough.)

"*RAVENSEROD*," 1299.

BERWICK-ON-TWEED, 1302.

NEWCASTLE-ON-TYNE, 1298. Volumus eciam et concedimus... quod predicti burgenses et probi homines eiusdem ville Novi Castri et eorum heredes habeant in predictis terris et tenementis de Pampeden² liberum burgum sicut habent in predicta villa Novi Castri cum omnibus libertatibus et liberis consuetudinibus ad liberum burgum pertinentibus.

(We will also and grant...that the aforesaid burgesses and good men of the said town of Newcastle and their heirs shall have in the aforesaid lands and tenements of Pampeden a free borough as they have in the aforesaid town of Newcastle with all the liberties and free customs to a free borough pertaining.)

"*SKYNBURGH*," 1301. Sciatis quod per finem quem dilectus nobis in Christo abbas de Holmcultram fecit nobiscum coram thesaurario et baronibus nostris de scaccario Concessimus...eidem abbati et

¹ This charter is lost.

² Now Pandon. See sect. 17 below. Pandon Dean Ward was formed in 1835 out of this south-eastern part of the borough

conventui ejusdem loci quod villa sua de Skynburgh¹ que est infra metas insule sue de Holmcultram sit liber burgus.

(Know ye, that in consideration of a fine which our beloved Abbot of Holmcultram made with us in the presence of our treasurer and our barons of the exchequer, We have granted...to the said abbot and convent of the same place that their town of Skynburgh, which is within the bounds of their island of Holmcultram, shall be a free borough.)

KIRKBY JOHANNIS, 1305. (To Abbot of Holmcultram.) After recitation of charter of 1301, relating to Skynburgh:

Ac idem abbas jam nobis dederit intelligi quod major pars dicti burgi et chimini ad eundem ducentis per diversas maris intemperies est ita profunde asportata quod homines ibidem de cetero accedere vel inhabitare nequeunt, ut solebant, et nobis supplicaverit ut nos easdem libertates eis ibidem ut predictum est concessas sibi apud villam suam de Kirkeby Johannis² que est infra metas insule predictæ loco predicti burgi de Skynburgh imperpetuum habendas velimus concedere graciose. Nos supplicationi ejusdem abbatis annuentes in hac parte concessimus... quod villa sua de Kirkeby Johannis loco predicti burgi de Skynburgh sit liber burgus.

(And whereas the said abbot has given us to understand that the greater part of the said borough and of the road leading to it is so carried away by divers high tides that men cannot approach thither or dwell there in the future as they were wont to do, And whereas he has begged us that we would be willing graciously to grant that the same liberties there granted to them as aforesaid should be held by him at his town of Kirkby Johannis which is within the bounds of his aforesaid island in the place of the aforesaid borough of Skynburgh for ever, We granting the request of the said abbot in this behalf, grant...that his town of Kirkby Johannis shall be a free borough in the place of the aforesaid borough of Skynburgh.)

CRAIL, 1306. A charter of Robert I, mislaid by 1835, declared *inter alia* that the burgesses of Crail "should hold and possess the town of Crail in one free borough, with all the liberties, advantages and freedoms which she justly used or could occupy in the times of former kings of Scotland, from the middle of the Water of Leven to the middle of the Brook Putiken."

(4) Ratification of Customs of Domesday Boroughs

[OXFORD³, 1156. Sciatis me concessisse et confirmasse civibus meis de Oxeneforda omnes libertates et consuetudines et leges et quietantias suas quas habuerunt tempore regis Henrici avi mei, nomina-

¹ Now represented by Skinburnness. This grant superseded one of the previous year for a free borough at Wavermouth (*C.Ch.R.* II, 488). See critical note under "Skynburgh."

² Now Newton Arlosh (formerly Kirkby Johan).

³ Cf. vol. I, p. 6.

tim gildam suam mercatoriam cum omnibus libertatibus et consuetudinibus in terris et in silvis, pasturis et aliis pertinentiis.

(Know ye that I have granted and confirmed to my citizens of Oxford all the liberties and customs and laws and quittances which they had in the time of King Henry my grandfather, especially their Merchant Guild with all its liberties and customs in lands and in woods and pastures and other appurtenances.)]

OXFORD, 1229 (*a*).

Line 1. *For* civibus meis de Oxeneforda *read* burgensibus Oxon pro nobis et heredibus nostris quod ipsi et heredes sui in perpetuum habeant et teneant.

3. *For* quas...mei *read* subscriptas videlicet quod habeant.

5. *For* in silvis *read* insulis (erroneously).

LONDON, 1253. Sciatis nos concessisse...quod major et cives nostri Londoniarum habeant et teneant omnes libertates et liberas consuetudines suas quas habuerunt tempore regis Henrici avi nostri, et quas habent per cartas antecessorum nostrorum regum Anglie sicut eas meliores et liberiores habuerunt; et quod eas habeant in perpetuum et de cetero libere et plene utantur eisdem.

(Know ye that we have granted that our mayor and citizens of London shall have and hold all their liberties and free customs which they had in the time of king Henry the grandfather of king Henry our grandfather, and which they have by the charters of our ancestors, kings of England, as they best and most freely had them—and that they shall have them for ever and shall use them freely and fully.)

LONDON, 1268. Has autem libertates et liberas consuetudines eis concessimus habendas sibi et heredibus suis quamdiu erga nos et heredes nostros bene et fideliter se habuerint una cum aliis justis et rationabilibus consuetudinibus suis quas temporibus predecessorum nostrorum et nostro hactenus habuerunt tam de forma et modo placitandi de tenuris, debitis et vadimoniis suis quam de aliis quibuscunque casibus et ipsos et civitatem ipsam tangentibus, dum tamen consuetudines ille justicie et rectis legibus contrarie non existent.

(These liberties and free customs we have granted to them to be had and holden to them and their heirs so long as they behave themselves well and faithfully towards us, along with the other just and reasonable customs which the citizens have hitherto enjoyed in the times of our predecessors, both in the form and manner of pleading concerning their tenements, debts and mortgages as of other cases touching themselves and their said city, provided that those customs are not contrary to justice and right laws.)

MELCOMBE [REGIS], 1280.

Line 4. *Omit* suis.

After quas *insert* cives Londinie.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. As Melcombe.

CHESTER, 1233–7. Preterea concessi et...confirmavi memoratis civibus meis Cestrie omnes libertates et omnes liberas consuetudines

quas illi melius et liberius aut quocius habuerunt de avunculo meo Rannulfo comite Cestrie et Lincolnie secundum tenorem magne carte quam eis dedit cum fuit comes Cestrie et Lincolnie: in qua carta ad maiorem securitatem eis faciendam sigillum meum simul cum sigillo avunculi mei Rannulfi comitis Cestrie et Lincolnie apposui.

(Moreover, I have granted and confirmed to my said citizens of Chester all the liberties and all the free customs which they best and most freely and most quietly had of my uncle, Ranulf earl of Chester and Lincoln according to the tenor of the great charter which he gave them when he was earl of Chester and Lincoln¹; to which charter, so as to give them greater security, I have affixed my seal together with the seal of my uncle Ranulf, earl of Chester and Lincoln.)

CHESTER, 1233-7. Has vero prenomintas et superscriptas libertates et liberas consuetudines omnes concessi et...confirmavi dilectis et fidelibus meis, scilicet, omnibus civibus meis Cestrie, habendas et tenendas illis et heredibus illorum de me et heredibus meis inperpetuum libere et quiete, pacifice et honorifice.

(These beforementioned and abovewritten liberties and free customs I have granted and confirmed to my beloved lieges, to wit, to all my citizens of Chester, to be had and holden to them and their heirs of me and my heirs freely and quietly, peacefully, and honourably.)

BRISTOL, 1252. Sciatis nos concessisse et...confirmasse...quasdam libertates concessas burgensibus nostris de Bristoll' et heredibus suis in perpetuum a domino Johanne rege patre nostro dum fuit comes Moritonie per cartam suam eis inde confectam, videlicet....

Sunt etiam metae villae inter Sandbrooke et Bewell et Britchenbrigge et fontem in itinere juxta Aldbr' et Knoll.

(Know ye that we have granted and confirmed certain liberties granted to our burgesses of Bristol and to their heirs for ever by our lord king John our father, while he was count of Mortain, by his charter granted to them to that effect, to wit....

Moreover, the boundaries of the town are Sandbrooke and Bewell and Brickenbridge, and the spring on the road near Aldbury and Knoll.)

BRISTOL, 1256. Et quod iidem burgenses per totam terram et potestatem nostram habeant et teneant omnes libertates et liberas consuetudines suas hucusque obtentas et usitatas adeo quiete et integre sicut cives de London' vel alii de regno et potestate nostra libertates suas melius et liberius habent et tenent.

(And that the same burgesses shall have and hold throughout our kingdom and realm all their liberties and free customs hitherto used and enjoyed by them as quietly and completely as the citizens of London or others of our kingdom and realm best and most freely have and hold their liberties.)

BATH, 1256 (a).

Line 4. *For* et potestate nostra *read* nostro.

¹ See critical note under Chester.

HEREFORD, 1256 (b).

Line 3. *For* hucusque *read* approbatas et hactenus.

3-end. *For* adeo...end *read* sicut eis usi sunt temporibus predecessorum nostrorum regum Anglie et nostro.

SHREWSBURY, 1256 (a). As Hereford.

GLOUCESTER, 1256.

Line 3. *After* suas *insert* approbatas et.

4. *Read* cives nostri Londonie.

For vel...regno et *read* in.

SOUTHAMPTON, 1256 (b).

Line 4. *For* de London' *read* Wyntonienses.

YORK, 1256 (a). Et quod habeant et teneant civitatem predictam cum omnibus ad ipsam pertinentibus sicut eam hucusque tenuerunt cum omnibus legibus, libertatibus et consuetudinibus de terris aut tenementis suis infra civitatem predictam et extra quas hucusque tenuerunt, unacum omnibus aliis libertatibus, legibus, usibus et consuetudinibus quibus in civitate illa et extra hucusque rationabiliter usi sunt.

(And that they have and hold the city aforesaid with all things pertaining thereto as they have hitherto held it with all the laws, liberties and customs relating to their lands and tenements within the city aforesaid or without which they have held hitherto, together with all other liberties, laws, uses and customs which they have hitherto reasonably held within the city and without.)

NORTHAMPTON, 1257. Concedimus etiam eis quod ipsi et eorum heredes habeant omnes libertates ipsis prius concessas per cartam nostram et per cartas predecessorum nostrorum regum Anglie, sicut eis rationabiliter hucusque vsi sunt.

(We also grant to them that they and their heirs shall have all the liberties formerly granted to them by our charter and by the charters of our predecessors, kings of England, as they have hitherto reasonably made use of them.)

CINQUE PORTS, 1278. Et quod habeant libertates et quietancias predictas de cetero sicut ipsi et antecessores sui eas unquam melius, plenius et honorificentius habuerunt temporibus regum Anglie Edwardi, Willelmi primi et secundi, Henrici regis proavi nostri et temporibus Ricardi regis et regis Johannis avi nostri et domini Henrici Regis patris nostri per cartas eorundem sicut carte ille quas iidem barones nostri inde habent et quas inspeximus rationabiliter testantur.

(And that they have their aforesaid liberties and quittances henceforth as they and their ancestors best and most fully and most honourably had them in the times of Edward, William the first, William the second, and Henry our greatgrandfather, kings of England, and in the times of king Richard and king John our grandfather and of our lord, king Henry, our father, in accordance with the charters of the same kings, as those charters, which the said barons have and which we have inspected, reasonably testify.)

FAVERSHAM 1302.

(5) Grant of Customs of other Boroughs to Domesday Boroughs

LYDD¹, 1290. (Letters patent.) Sciatis quod concessimus baronibus nostris de Lyde et Ingemareys, que sunt membrum portus nostri de Romenale, quod ipsi et heredes sui ibidem commorantes imperpetuum habeant easdem libertates et liberas consuetudines quas barones nostri de Romenale et alii barones de Cinque Portubus per cartas progenitorum nostrorum regum Anglie et confirmacionem nostram habent.

(Know ye that we have granted to our barons of Lydd and Dungemarshe, which (places) are a member of our port of Romney, that they and their heirs dwelling there shall for ever have the same liberties and free customs which our barons of Romney and the other barons of the Cinque Ports have by virtue of the charters of our progenitors, kings of England, and of our confirmation of those charters.)

(6) Ratification of Customs of Post-Domesday Boroughs²

HAVERFORDWEST, 1219. Sciant presentes et futuri quod ego Willelmus Mareschallus (II) comes Pembrochie dedi et concessi et... confirmavi burgensibus meis de Hauerford omnes libertates et liberas consuetudines verbo ad verbum sicut dominus comes pater meus melius et liberius eis carta sua concessit, habendas et possidendas ipsis et heredibus suis de me et heredibus meis libere, quiete, integre et pacifice in omnibus locis sicut predicta carta comitis patris mei testatur.

(Know all men present and future that I William Marshal, earl of Pembroke, have given granted and confirmed to my burgesses of Haverford all the liberties and free customs, word for word, as the earl my father, best and most freely granted to them by his charter, to be had and possessed to them and their heirs of me and my heirs freely, quietly, completely and peacefully in all places, as the aforesaid charter of the earl my father testifies.)

WYCOMBE, 1226. Hec est finalis concordia facta in curia domini regis apud Westmonasterium &c coram Martino de Pateshull &c iusticiis et aliis domini regis fidelibus tunc ibi presentibus inter burgenses de Wycumb querentes et Alanum Basset de vexacionibus et iniuriis quas idem Alanus eisdem burgensibus fecit ut dixerunt contra libertates quas iidem burgenses dicebant se habere ex dono antecessorum domini regis, unde placitum fuit inter eos in eadem curia, scilicet....

Et pro hac concessione, fine et concordia predicti burgenses remiserunt et quieta clamaverunt de se et heredibus suis ipsi Alano et

¹ Lydd is not entered separately from Romney in Domesday Book and is not marked as a Domesday borough by Mr Ballard in vol. 1, but as he seems to have placed this grant here, it will be best to leave it with this explanation.

² See also V B 1 (Scarborough, 1253 (c)).

heredibus suis omnia dampna quae dicebant se habere per predictas vexationes et iniurias. Et sciendum quod Ada Waldere (and 25 others) burgenses de Wycumb venerunt in eadem curia et testati fuerunt quod omnes alii burgenses eiusdem ville concordiam illam ratam habuerunt et eandem concesserunt.

(This is the final concord made in the court of our lord the king at Westminster before Martin de Pateshull and other justices and other faithful subjects of our lord the king there present, between the burgesses of Wycombe complainants and Alan Basset concerning the vexations and injuries which the said Alan has done to the said burgesses as they alleged contrary to the liberties which the said burgesses allege that they have of the gift of the ancestors of our lord the king, On which account there was a suit between them in the said court, to wit....)

And for this grant, fine and concord the aforesaid burgesses have remised and quitclaimed for them and their heirs to the said Alan and his heirs all the damages which they allege that they have suffered on account of the aforesaid vexations and injuries. And be it known that Adam Waldere and 25 others came into the said court and testified that all the other burgesses of the said town ratified the said concord and granted it.)

DROGHEDA (Louth), 1229. Concessimus eciam eis omnes libertates suas et omnes liberas consuetudines suas quas habuerunt vel habere consueverunt temporibus predecessorum nostrorum, regum Anglie, quando bone fuerunt.

(We have granted also to them all their liberties and all their free customs which they had or were wont to have in the times of our predecessors, kings of England, so far as they were good.)

DROGHEDA (Meath), 1247.

KELLS (Kilkenny), before 1247. Dedi insuper...eisdem burgensibus meis et heredibus eorum omnes libertates et liberas consuetudines quas Galfridus filius Roberti, pater meus, et Willelmus filius Galfridi, frater meus, eis dederunt et concesserunt, et prout melius et liberius tenuerunt et libertatibus eorum utebantur de meis antecessoribus.

(Moreover I have given...to my said burgesses and their heirs all the liberties and free customs which Geoffrey fitz Robert, my father, and William fitz Geoffrey, my brother, gave and granted to them, as they best and most freely held and made use of their liberties from my predecessors.)

SCARBOROUGH, 1253 (c). Sciatis me concessisse civibus meis de Escardeburch omnes libertates et leges et consuetudines suas, et nominatim Gildam suam mercatoriam et hansas suas in Anglia et Normannia et lestagia sua per totam costam maris quietam, et quod praedictas leges et consuetudines habeant et teneant cum omnibus libertatibus praedictae Gildae suae et hansis suis pertinentibus.

(Know ye that I have granted to my citizens of Scarborough all their liberties and laws and customs and especially their Merchant Guild and hanses in England and Normandy and their quittance of lestage throughout

the coast of the sea, and that they may have and hold the aforesaid laws and customs with all the liberties pertaining to their aforesaid Guild and their hanses.)

CARMARTHEN, 1254-7. Noverit universitas vestra nos concessisse dilectis et fidelibus burgensibus de Kaermardyn omnes bonas leges et consuetudines quibus tempore Johannis regis avi¹ nostri et predecessorum suorum regum Anglie hactenus usi sunt et gavisi, et communiam suam liberam in planis et boscis, in aquis et in omnibus aliis aisiamentis opentis et usitatis....

(Know ye all that we have granted to our beloved and faithful burgesses of Carmarthen all the good laws and customs which they have hitherto used and enjoyed in the time of king John our father and of his predecessors, kings of England, and their free common in fields and woods and waters and in all other recognised and wonted easements....)

PORTSMOUTH, 1255. Sciatis quod volumus et concedimus... quod omnes libertates contente et expresse in cartis dominorum Ricardi regis avunculi nostri, Johannis regis patris nostri, et nostris quas burgenses de Portesmuth habent tam de tallagiis quam aliis articulis de cetero teneantur et firmiter observentur secundum quod iidem burgenses hucusque usi sunt predictis libertatibus.

(Know ye that we will and grant...that all the liberties contained and expressed in the charters of king Richard our uncle and king John our father, and of ourselves which the burgesses of Portsmouth have both concerning tallages and other articles, shall henceforth be held and firmly observed, in the manner according to which the said burgesses have hitherto used the aforesaid liberties.)

PORTSMOUTH, 1256. Et quod habeant inter se tam in aquis (et) portubus maris quam in terris, pascuis, culturis et rebus aliis omnes leges et consuetudines justas et approbatas et quietancias quas habuerunt tempore domini Johannis regis patris nostri et domini Ricardi regis avunculi nostri et aliorum antecessorum nostrorum regum Anglie.

(And that they shall have among themselves both in waters and seaports and in lands, pastures, cultivated fields and other matters all the just and approved laws and customs which they had in the time of king John our father and king Richard our uncle and of our other ancestors who were kings of England.)

BRIDGENORTH, 1256 (*a*). Et quod per totam terram et potestatem nostram habeant et teneant omnes libertates et liberas consuetudines suas approbatas et hactenus usitatas sicut eis usi sunt temporibus predecessorum nostrorum regum Anglie et nostris.

(And that throughout the whole of our land and realm they shall have and hold all their liberties and free customs, approved and hitherto enjoyed, as they used them in the times of our predecessors, kings of England, and in our own times.)

¹ This charter was granted by Edward son of Henry III.

DUNSTER, 1254-7. Et quod plene utantur eisdem consuetudinibus ad hundredum et alibi quibus tempore alicuius predecessorum meorum uti consueverunt.

(And that they may fully use the same customs at the hundred and elsewhere, as they were wont to use in the time of any of my predecessors.)

BURFORD (Oxon.), 1230-62. Noveritis nos (Richard de Clare) concessisse et hac presenti carta nostra confirmasse omnibus burgensibus nostris de Bureford eas libertates et liberas consuetudines quas habent a predecessoribus nostris, comitibus Gloucestrie, quibus hucusque usi sunt.

(Know ye that we have granted and by this our present charter confirmed to all our burgesses of Burford those liberties and free customs which they have from our predecessors, earls of Gloucester, which they have enjoyed up till now.)

BARNARD CASTLE, 1271-8. [Alexander de Balliol confirms the charters of Bernard, Hugh and John de Balliol.]

KENDAL, 1247-72. Omnibus has literas visuris vel audituris Petrus de Brus tercius salutem. Noverit universitas vestra me concessisse et hac presenti carta mea confirmasse liberis burgensibus meis partis mee de Kirkeby in Kendalia omnes libertates et liberas consuetudines quas habuerunt de dono Willelmi de Lancastria, advinculi (*sic*) mei, sicut carta ejus testatur, tenendas et habendas, etc.

(To all who shall see or hear these letters Peter de Brus the third, greeting. Know ye all that I have granted and by my present charter confirmed to my free burgesses of Kirkby in Kendal all the liberties and free customs which they have of the gift of William de Lancaster, my uncle, as his charter attests, to have and to hold, etc.)

PLYMPTON, 1262-85. Noveritis me in ligia viduitate mea concessisse et confirmasse et pro rato habuisse omnimodam libertatem et consuetudinem a Baldewino de Rydiveriis patre meo quondam comite Devon. et domino Insule burgensibus de Plympton concessam....Ita scilicet quod ego decetero contra hoc scriptum vel factum vel heredes mei nec aliquis ratione mei nec contra scriptum vel factum Baldewyni patris mei nec in aliquibus consuetudinibus justis ac usitatis venire presumat.

(Know ye that I, in my loyal widowhood, have granted and confirmed and ratified every kind of liberty and custom granted by Baldwin de Redvers, my father, formerly earl of Devon and lord of the Isle, to the burgesses of Plympton....So that neither will I presume to contravene this writing or deed, nor will any person on my behalf, nor will we presume to contravene the writing or deed of Baldwin my father, nor any of their just and wonted customs.)

SWANSEA, 1306. Et preterea concedimus eisdem, heredibus eorum, et assignatis, pro nobis, etc., inperpetuum omnes et singulas

alias libertates, leges et consuetudines temporibus progenitorum nostrorum habitas vel concessas, quas presenti carta nostra innouamus et eisdem burgensibus confirmamus inperpetuum, volentes omnimodas occupaciones, extorsiones et exactiones contra statum earundem libertatum, etc. hactenus introductas irritari imposterum, cassari, adnullari ac nullius efficacie decetero haberi. Concedentes etiam volentes omnes leges, libertates, etc. predictas, specificatas et non specificatas, in omnibus et singulis suis articulis firmiter et inuiolabiliter obseruari inperpetuum.

(And we further grant to them, their heirs and assigns, for us, etc., for ever all and singular the other liberties, laws and customs had or granted in the times of our predecessors, which by our present charter we renew and confirm to the said burgesses for ever, desiring that every kind of encroachment, extortion and exaction introduced hitherto contrary to the terms of the said liberties be void henceforth, cancelled, annulled and held of none effect for the future. Granting also and willing that all the aforesaid laws, liberties, etc., whether specified or not, shall be firmly and inviolably observed for ever in all and singular their articles.)

(7) Grant of Specific Customs to Post-Domesday Boroughs¹

BARNARD CASTLE, 1215-29. Has vero libertates et consuetudines dedi et concessi illis et heredibus suis habendas et tenendas de me et heredibus meis in feodo et hereditate libere, quiete et honorifice in bosco et plano, in pratis et pascuis, in viis in semitis, in moris, in mariscis, in aquis etc...in introitibus et exitibus, cum pastura et libertatibus et aysiamentis pertinentibus.

(These liberties and customs I have given and granted to them and their heirs to be had and holden of me and my heirs in fee and heredity freely quietly and honourably in wood and in field, in meadows and in pastures, in roads and in paths, in moors and in marshes, in waters and...in entrances and exits, with their pasture and liberties and easements pertaining.)

SALFORD, c. 1230. Sciatis me dedisse...quod villa de Salford sit liber burgus et quod burgenses in illo habitantes habeant et teneant omnes istas libertates subscriptas:

(Know ye that I have granted...that the town of Salford be a free borough, and that the burgesses dwelling in it have and hold all the underwritten liberties:)

BOLTON, 1253.

STOCKPORT, c. 1260.

Line 1. *For* Sciatis *read* Noveritis.

2. *After* burgus *add* secundum chartam quam impetravi a domino Cestreshirie.

After habitantes *add* et tenentes.

¹ See also I 8 (Limerick, 1292).

CARLOW, 1223. Sciatis presentes et futuri quod ego...concessi burgensibus meis de Catherlagh omnimodas libertates quas decet burgenses habere et mihi licet conferre, habendas et tenendas imperpetuum de me et heredibus meis sibi et heredibus suis.

(Know all men present and to come that I...have granted to my burgesses of Carlow all manner of liberties which it becomes burgesses to have and is lawful for me to confer, to be had and holden for ever of me and my heirs to them and their heirs.)

MOONE, 1223.

WATERFORD, 1232. Et quod ipsi et heredes sui habeant omnes libertates et liberas consuetudines subscriptas scilicet....

(And that they and their heirs may have all the underwritten liberties and free customs, to wit....)

CORK, 1242.

NEWPORT (Kemmes), c. 1241. Sciant presentes et futuri quod ego Nicholaus filius Willelmi filii Martini dominus de Kemes dedi....burgensibus meis de Novo Burgo omnes libertates et consuetudines subscriptas quas Willelmus filius Martini pater meus eisdem concessit et dedit per cartam suam, scilicet....

(Know all men present and future that I Nicholas son of William son of Martin, lord of Kemmes, have given...to my burgesses of Newport all the liberties and customs underwritten, which William son of Martin my father granted and gave to the same burgesses by his charter, to wit....)

SALTASH, before 1246. Sciant presentes et futuri quod ego Reginaldus de Valle Torta dedi et concessi et...confirmavi liberis burgensibus meis de Essa omnes libertates et liberas consuetudines hic subscriptas quas habuerunt tempore antecessorum meorum videlicet....

(Know all men, present and future, that I Reginald de Valletort, have given granted and confirmed to my free burgesses of Saltash all their liberties and free customs here underwritten, which they had in the time of my ancestors, to wit....)

FARNHAM, 1247. Volumus etiam concedere¹ pro nobis et successoribus nostris in perpetuum quod predicti burgenses et heredes sui habeant omnes libertates et liberas consuetudines subterscriptas sicut prius habere consueverunt videlicet....

(We are willing also to grant for us and our successors for ever that the aforesaid burgesses and their heirs shall have all the liberties and free customs hereunder written as they were formerly wont to have them, to wit....)

POOLE, c. 1248. Sciant presentes et futuri quod ego Willelmus Lungespée dedi et concessi...burgensibus meis de Pola et heredibus suis omnimodas libertates et liberas consuetudines et quietancias tam corporum quam catallorum de telonio et omnibus aliis consuetudinibus et

¹ Corrected from "concedisse."

sectis faciendis extra burgum meum de Pola ad me vel heredes meos pertinentibus sicut liberi cives vel burgenses civitatum vel burgorum domini regis in tota Anglia habent quantum ad me sive predecessores meos vel heredes aliquo modo per totam terram dinoscitur pertinere in terra, mari, portubus et passagiis....

(Know all men, present and future, that I William Longespée have given and granted...to my burgesses of Poole and their heirs, all manner of liberties and free customs and quittances both of their bodies and chattels from toll and all other customs and of suits to be done without my borough of Poole pertaining to me and my heirs, in like manner as the free citizens and burgesses of the cities and boroughs of our lord the king have in the whole of England, but so far only as is known to pertain to me or my predecessors or heirs in any manner on land or sea, in ports and ferries....)

GAINSBOROUGH, before 1250. Know all men present and to come that I John Tawbott, have granted, and by these presents have confirmed to my freemen of Gainsborough and their heirs, holding burgages of me, the liberties in this present deed subscribed, for the servise wth (*sic*) the same deede to me and my heirs.

BUILTH, 1278. Sciatis nos concessisse et...confirmasse burgensibus nostros de Buelt in Wallia omnes libertates subscriptas videlicet....

(Know ye that we have granted and...confirmed to our burgesses of Builth in Wales all the liberties underwritten, to wit....)

BAKEWELL, 1286. Notum et manifestum sit omnibus et singulis hoc presens scriptum inspecturis quod ego Willelmus Gernun dominus de Bauquell' in Pecko pro me et heredibus meis et assignatis quibuscunque sponte concessi et hoc presenti scripto confirmaui dilectis burgensibus meis et libere tenentibus de Bauquell' et eorum heredibus seu assignatis omnes libertates subscriptas seu consuetudines hactenus optentas et obseruatas per eosdem.

(Be it known and manifest to all and singular who shall inspect this present writing that I William Gernun lord of Bakewell in the Peak for myself and my heirs and assigns have voluntarily granted and by this present writing confirmed to my beloved burgesses and freeholders of Bakewell and their heirs or assigns all the underwritten liberties or customs hitherto obtained and observed by them.)

MANCHESTER, 1301. Sciant presentes et futuri quod ego...dedi...omnibus burgensibus meis Mamecestrie scilicet....

(Know all men present and future that I...have given...to all my burgesses of Manchester, to wit....)

SWANSEA, 1306. Omnibus Christi fidelibus presens scriptum visuris vel audituris Willelmus de Breŵs, dominus de Brembr' et de Goher', salutem in domino. Noverit universitas vestra nos concessisse et hac presenti carta nostra confirmasse, pro nobis ac heredibus nostris

et assignatis, omnibus et singulis burgensibus nostris de Sweynes' et eorum heredibus ac assignatis, integrum burgagium seu quamcunque porcionem burgagii inhabitantibus, omnes et singulas remissiones et libertates subscriptas, tenendas et habendas sibi ac heredibus suis inperpetuum:

(To all the faithful of Christ who shall see or hear the present writing William de Braose, lord of Bramber and of Gower, greeting in the Lord. Be it known to you all that we have granted and by this our present charter confirmed for us and our heirs and assigns to all and singular our burgesses of Swansea and their heirs and assigns who inhabit a whole burgage or any part of a burgage, all and singular the underwritten remissions and liberties, to hold and to have to them and their heirs for ever:)

(8) Grant of Customs of other Boroughs to Post-Domesday Boroughs¹

ABBOTS BROMLEY, 1222. Concedimus etiam ut habeant omnes libertates, etc, quas habent liberi burgenses de villa Lichfeldiae.

(We have granted also that they may have all liberties, etc., which the free burgesses of Lichfield have.)

[AYR, 1202-7². Et eidem burgo et burgensibus meis in eo manentibus omnes libertates et omnes liberas consuetudines concessisse quas alii burgi mei et mei burgenses in eis manentes per regnum meum habent.

(And that I have granted to the same burgh and my burgesses dwelling in it, all the liberties and free customs which my other burghs and my burgesses dwelling in them have throughout my realm.)]

AYR, 1223.

Line 1. *For* Et eidem burgo *read* Sciant presentes et futuri me concessisse ...burgo meo super Are.

For in eo *read* in eodem burgo.

2. *Omit* concessisse.

DUMBARTON, 1221.

Line 3. *After* quas *read* burgenses mei de Edinburgh et in eo manentes habent.

DINGWALL, 1226. As Dumbarton, but *for* Edinburgh *read* Inverness.

HELMSLEY, c. 1186-1227. Sciatis me (Robertum de Ros) dedisse et concessisse et hac presenti carta confirmasse burgensibus meis de Helmesley omnes libertates, leges et consuetudines quas civitas Ebor. habet in se, in soch et sach et danegeld et tholl, them et infangthef.

(Know ye that I have given granted and by this present charter confirmed to my burgesses of Helmsley all the liberties laws and customs which the city of York has therein, in soc and sac and danegeld and toll, team and infangthef.)

CHESTERFIELD, 1226-7³. Hec est concordia facta inter dominum Willelmum Briuer' juniorem et burgenses de Cestrefeld, scilicet: Quod

¹ See also II A 4 (Wotton-under-Edge) and V A 7 (Builth, Rhuddlan, Bath).

² Vol. I, p. 33.

³ See also p. 54.

ipsi et heredes sui habebunt et tenebunt de dicto Willelmo Briuerr' et de heredibus suis omnes illas libertates et omnes liberas consuetudines in villa de Cestrefeld quas burgus de Notingham habet et tenet et habere debet.

(This is the agreement made between William Brewer the younger and the burgesses of Chesterfield, to wit, That they and their heirs shall have and hold of the said William Brewer and his heirs, all those liberties and free customs in the town of Chesterfield which the borough of Nottingham has and holds and ought to have.)

CHESTERFIELD, 1232. Sciatis nos concessisse...hominibus Willelmi Briuerr qui de eo tenent et tenebunt in villa de Cestrefeld libertatem quam idem Willelmus eis concessit scilicet quod sint liberi burgenses et quod ipsi et heredes sui habeant et teneant de eodem Willelmo et heredibus suis easdem libertates et liberas consuetudines infra villam et extra villam et in omnibus locis quas dominus Johannes rex Anglie pater noster eidem Willelmo concessit et carta sua confirmavit in eadem villa, et secundum quod carta ejusdem Johannis regis patris nostri quam idem Willelmus de eo habet et sicut carta predicti Willelmi quam predicti homines de eo habent rationabiliter testantur.

(Know ye that we have granted...to the men of William Brewer who hold and shall hold of him in the town of Chesterfield the liberty which the same William granted to them, to wit, that they should be free burgesses, and that they and their heirs should have and hold of the said William and his heirs the same liberties and free customs within the town and without and in all places which the lord John, king of England, our father, granted to the same William and confirmed by his charter in the same town, and according as the charter of the same king John our father which the said William has of him, and the charter of the aforesaid William which the aforesaid men have of him, reasonably testify.) [See p. 27.]

SALISBURY, 1227. Et concedimus quod predicti cives habeant in perpetuum omnes alias libertates et quietantias per totam terram nostram quas habent cives nostri Wintonienses.

(And we grant that the aforesaid citizens shall have for ever all the other liberties and quittances throughout the whole of our land which our citizens of Winchester have.)

MONTGOMERY, 1227. Et concedimus quod predicti burgenses nostri Montis Gomeri habeant in perpetuum omnes alias libertates et quietancias per totam terram nostram quas habent cives nostri de Hereford.

(And we grant that our aforesaid burgesses of Montgomery have for ever all the liberties and quittances throughout all our land which our citizens of Hereford have.)

DEGANWY, 1252.

Line 3. *For* cives nostri de Hereford *read* burgenses nostri Mungumery. ABERYSTWYTH, 1277. As Deganwy.

BARNARD CASTLE, 1215-27¹. Item, eisdem burgensibus concedo omnes liberas consuetudines Richmundie.

(Item I grant to the same burgesses all the free customs of Richmond.)

BARNARD CASTLE, 1271-8. Sciatis me concessisse et presenti carta mea confirmasse burgensibus meis de Castro Bernardi omnes libertates et liberas consuetudines Richmundie sicut in cartis Bernardi et Hugonis de Balliolo antecessorum meorum quas habent continetur.

(Know ye that I have granted and by this my charter confirmed to my burgesses of Barnard Castle all the liberties and free customs of Richmond as is contained in the charters of Bernard of Balliol and Hugh of Balliol my ancestors which they have.)

ELLESMERE, 1216-37. Johanna, Lady of Wales, granted to the borough the free customs pertaining *ad legem Bretwillie* (i.e. to the law of Breteuil).

LISKEARD, 1240. Et quod habeant omnes libertates et liberas consuetudines quas per cartam nostram concessimus burgensibus nostris de Layst' et de Helleston ut dicti burgenses nostri de Liskereth illis sine omni contradiccione plene et pacifice possint gaudere.

(And that they may have all the liberties and free customs which by our charter we have granted to our burgesses of Launceston and of Helston so that our burgesses of Liskeard may enjoy them fully and freely without any contradiction.)

NEWPORT (Kemmes), c. 1241. Item cum predictis libertatibus concessi eis omnes libertates et liberas consuetudines de Penbrooke.

(Item, with the liberties aforesaid, I have granted them the liberties and free customs of Pembroke.)

PLYMPTON, 1242. (Customs of Exeter.) See VI 1.

CHIPPING SODBURY, c. 1245-60. Willelmus Crassus primogenitus filius Willelmi Crassi junioris salutem (*sic*) Noveras (*sic* for noveritis) nos concessisse et hac presenti carta nostra confirmasse burgensibus nostris de Sobbur' et heredibus suis totum quod Willelmus Crassus primogenitus avunculus noster eisdem fecit et per cartam suam confirmavit, viz. Quod habeant et teneant omnes libertates que spectant ad leges de Britoill....

(William le Gras eldest son of William le Gras junior salutes (*sic*). Know that we have granted and confirmed...to our burgesses of Sodbury and their heirs all that William le Gras the eldest our uncle made to them and confirmed by his charter, viz. that they shall have and hold all the liberties which belong to the laws of Breteuil.

¹ Cf. vol. I, p. 26.

WARENMOUTH, 1247. *Sciatis quod nos concessisse, etc., burgensibus nostris novi burgi de Warnemuthe quod ipsi et heredes sui in perpetuum habeant omnes easdem libertates et liberas consuetudines quas burgenses nostri de Novo Castro super Tynam habent per cartam domini Johannis patris nostri, videlicet:*

(Be it known to you that we have granted, etc., to our burgesses of the new borough of Warenmouth that they and their heirs for ever shall have all those liberties and free customs which our burgesses of Newcastle-on-Tyne have by the charter of lord John, our father, namely:)

KILMACLENINE, 1251 (a). *Et dicti burgenses et eorum heredes nobis et successoribus nostris secundum legem Bristolii¹ in omnibus et per omnia respondebunt, et secundum eandem legem tractabimus eodem.*

(And the said burgesses and their heirs shall answer to us and our successors in all things according to the law of Breteuil¹, and we will treat them according to the same law.)

WEYMOUTH, 1252. *Cum omnibus libertatibus et liberis consuetudinibus quas ville de Portesmue et de Suthampton habent et tenent vel ex antiquo possidere solebant et debebant.*

(With all the liberties and free customs which the towns of Portsmouth and Southampton have and hold or of old were wont and ought to possess.)

ALNWICK, 1226-53². *Sciant presentes et futuri quod ego Willelmus de Vesci, filius et heres domini Eustachii de Vesci, concessi et... confirmavi burgensibus meis de Alnewic omnes libertates et liberas consuetudines, de me et de heredibus meis sibi et heredibus suis quiete et pacifice in perpetuum tenendas et habendas, quas dominus rex Anglie concessit burgensibus suis de Novo Castro et quibus libere utuntur.*

(Know all men, present and future, that I William de Vesci, son and heir of lord Eustace de Vesci, have given and confirmed to my burgesses of Alnwick all the liberties and free customs which my lord the king of England has granted to his burgesses of Newcastle and which they freely use, to be held of me and my heirs to them and their heirs quietly and peacefully for ever.)

ALNWICK, 1290. *Sciant presentes et futuri quod nos Willelmus de Vescy frater et heres Johannis de Vescy dedimus et... confirmavimus burgensibus nostris de Alnewyke, omnes libertates et liberas consuetudines in omnibus sicut carta Willelmi de Vescy patris nostri quam inde habent plenius testatur.*

(Know all men, present and future, that I William de Vesci, brother and heir of John de Vesci, have given and confirmed to my burgesses of Alnwick all the liberties and free customs in all things as the charter of my father, William de Vesci, which they have to that effect, more fully bears witness.)

¹ Bristolii must be a mistake for Britolii as was suggested by Miss Bateson (see *E.H.R.* xv, 514), for the jurors reported in 1481 that the custom in the borough was that no *amercement* should exceed 12d. (*Rotulus Pipae Clonensis*, pp. 15-6).

² Cf. vol. I, p. 25.

FRANCHEVILLE (Newtown, Isle of Wight), 1256. Noverit universitas vestra nos dedisse...omnibus burgensibus nostris de burgo qui dicitur Frauncheville in insula Vectis omnes libertates et liberas consuetudines in omnibus et per omnia quas habent burgenses nostri de Taunton vel aliqui alii burgenses nostri de Wytten', Alresfordie et Farnham qui melius et liberius de nobis tenent, Tenendas et habendas sibi et heredibus suis, burgensibus nostris, absque aliqua contradiccione nostra et successorum nostrorum episcoporum Wynton' bene et quiete et in pace imperpetuum.

(Know all men that we have given...to all our burgesses of the borough which is called Franchville in the Isle of Wight all the liberties and free customs in all things which our burgesses of Taunton or any other our burgesses of Witney, Alresford and Farnham who hold of us best and most freely, To be holden and had to them and their heirs, being our burgesses, without any contradiction on the part of ourselves and our successors, bishops of Winchester, well and quietly and peacefully, for ever.)

RATHCOOL, 1228-56 (*b*). Noverit universitas vestra nos, inspecta carta bone memorie Johannis quondam Dublin. archiepiscopi predecessoris nostri, concessisse et...confirmasse burgensibus nostris de Radcole libertates et consuetudines omnes quas habent burgenses de Bristollo cum burgagiis ipsorum videlicet:

(Know ye that we, having inspected the charter of John formerly archbishop of Dublin, our predecessor, of blessed memory, have granted and confirmed to our burgesses of Rathcool all the liberties and customs which the burgesses of Bristol have with their burgages, to wit:)

TINTAGEL, 1225-56. Et ceteris libertatibus omnibus gaudeant quibus gaudent burgenses nostri de Douneheved.

(And shall enjoy all the other liberties which are enjoyed by our burgesses of Dunheved.)

INVERKEITHING, 1259. Concessimus vero eisdem burgensibus nostris ut omnimodis consuetudinibus, rectitudinibus et libertatibus gaudeant quibus gaudent burgi nostri de Perth et de Abirdene ac utuntur.

(Moreover, we have granted to our said burgesses that they may enjoy the customs, rights and liberties of every kind which are enjoyed and used by our burghs of Perth and Aberdeen.)

YARMOUTH (Isle of Wight), 1240-62. In 1334, Edward III confirmed

Concessionem quam Baldewinus de Redveriis per scriptum suum fecit burgensibus suis de Eremue de omnibus libertatibus et liberis consuetudinibus quas liber burgus habere debet, necnon de libertate et quietancia de teolonio et omni alia consuetudine per totum terram suam in feriis et mercatis.

(The grant which Baldwin de Redvers by his charter made to his burgesses of Yarmouth of all the liberties and free customs which a free borough ought to have and also of liberty and quittance of toll and every other custom throughout all his land in fairs and markets.)

AGARDSLEY, 1263. Et iterum concessi eisdem quod habeant omnes assisas (MS. *sisis*) quas burgenses Staffordie habent.

(And again, I have granted them all the assizes which the burgesses of Stafford have.)

CLOYNE, 1249-64. Et ego et successores mei secundum legem Bristolii¹ melius hactenus usitatam vel deinceps usitandam tractabimus honeste: et dicti cives et heredes eorum secundum eandem legem mihi et successoribus meis in omnibus respondebunt.

(And I and my successors will treat them honourably according to the law of Bristol, as it has best been hitherto used, or shall be used in the future; and the said citizens and their heirs shall answer in all things to us and our successors according to the same law.)

WARTON, 1246-71. Quod de aliis levibus usibus habeant et teneant secundum usum et consuetudines burgorum de Kyrkeby Kendal et Ulueriston.

(That of other minor customs, they shall have and hold according to the uses and customs of the boroughs of Kirkby Kendal and Ulverston.)

KILMEADAN, 1216-72. [The *franchise de Bristowe* was given to the burgesses of Kilmeadan by Henry III.]

BURFORD (Salop), c. 1265-66². Concessi etiam quod teneant burgagia sua secundum libertatem et consuetudines legis Britollii sicut predicta libertas usa est in civitate Herefordiae.

(I have also granted that they shall hold their burgages according to the liberty and customs of the law of Breteuil, as the aforesaid liberty is observed in the city of Hereford.)

BRECON, 1270. Noveritis nos concessisse et...confirmasse... dilectis et fidelibus hominibus nostris burgensibus ville nostre Brechon omnes libertates et liberas consuetudines quas burgenses Hereford' habent, exceptis placitis coronam tangentibus et tonnagio cervisie et omnium rerum venientium ultra montem et redeuntium. Habendas et tenendas predictis hominibus nostris et eorum heredibus libere, quiete et integre infra villam Brechon et extra imperpetuum.

(Know ye that we have granted and confirmed to our beloved and faithful men, the burgesses of our town of Brecon and their heirs, all the liberties and free customs which the burgesses of Hereford have, excepting pleas touching the crown and the tonnage of beer and all things coming from beyond the mountain and returning thither, to be had and holden to our aforesaid men and their heirs, freely, quietly and completely within the town of Brecon and without, for ever.)

¹ Miss Bateson does not seem to claim this as an error for Britollii.

² Grant of free borough by Henry III, 1265-6.

WINDSOR, 1277. Et eisdem libertatibus et liberis consuetudinibus utantur in eodem burgo quibus alii burgenses aliorum burgorum nostrorum in regno nostro rationabiliter usi sunt.

(And use the same liberties and free customs in the said borough which have been reasonably used by the other burgesses of the other boroughs in our realm.)

NETHER WEARE, 1278-9. Et quod habeat legem et consuetudinem Herford prout scriptum est dictis burgensibus de Netherwere ex communi assensu omnium burgensium ville predictæ Herford sub eorum sigillo patente. Item volumus et concessimus quod dicti burgenses ad petitionem dicti Auncelmi habeant legem et consuetudinem de Bruttell.

(And that they have the law and custom of Hereford as that law was written for the said burgesses of Nether Weare by the common assent of all the burgesses of the aforesaid town of Hereford under their open seal. Also, we will and have granted, at the petition of the said Anselm, that the said burgesses shall have the law and custom of Breteuil.)

NEW ROSS, c. 1279. Sciant presentes et futuri quod nos Rogerus Bygot comes Norfolk' et mariscallus Anglie dedimus et concessimus burgensibus nostris de Nova Rosse omnes libertates subscriptas habendas et tenendas imperpetuum de nobis et heredibus nostris, videlicet quod omnes burgenses sint adeo liberi per totam terram nostram et dominium nostrum in Hibernia sicut burgenses de Banna¹ vel Kilkenn' vel Wex[ford] sive aliqui alii² burgenses Lagenie sunt liberiores.

(Know present and future folk that we Roger Bygot earl of Norfolk and marshal of England have given and granted to our burgesses of New Ross all the underwritten liberties, to have and hold for ever of us and our heirs, to wit, that all burgesses shall be as free through all my land and lordship in Ireland as the burgesses of Bannow or Kilkenny or Wexford or any other burgesses of Leinster are freest.)

MELCOMBE [REGIS], 1280. Sciatis nos concessisse pro nobis et heredibus nostris burgensibus nostris de Melecumba omnes libertates concessas ciuibus London[iensibus] videlicet quod:

(Know ye that we have granted, for us and our heirs to our burgesses of Melcombe all the liberties granted to the citizens of London, namely that:)

LAUGHARNE, 1278-82. Noverit universitas vestra nos concessisse dilectis et fidelibus burgensibus de Thalacarn...omnes bonas leges et consuetudines quibus burgenses de Kaermardyn tempore Johannis regis avi domini Edwardi filii Henrici et predecessorum suorum regum Anglie hactenus usi sunt et gavis. Salvis ponderibus et mensuris que fuerunt tempore Gydonis de Brione senioris.

¹ Bannow, a foundation of Geoffrey fitz Robert (Orpen, *Ireland under the Normans* III, 88).

² Aliquali, *Chartae*, etc.

(Know ye that we have granted to our beloved and faithful burgesses of Laugharne all the good laws and customs which the burgesses of Carmarthen used and enjoyed in the time of king John the grandfather of our lord Edward son of Henry, saving to us the weights and measures which were in the time of Guy de Brian the elder.)

NEW WINCHELSEA, 1283. Quia pro villa nostra de Winchelsea que pro maiore parte per maris inundationes jam submersa est, et de cuius submersione totali cotidie veretur, quandam villam novam apud Yhame fieri providimus et terras et tenementa ibidem baronibus ville et portus de Wynchelsea committere et ipsos inde feoffare, edificandas et inhabitandas, Volumus et concedimus pro nobis et heredibus nostris quod cum iidem barones placias suas apud Yhame ceperunt, et eas edificare incepterunt, ipsi cum rebus et bonis suis omnibus adeo liberi sint in eadem nova villa et alibi ubique sicut antea fuerunt in predicta villa de Wynchelsea et aliis locis quibuscunque; et easdem libertates et consuetudines habeant quas habent per cartas predecessorum nostrorum regum Anglie et eisdem libertatibus et consuetudinibus gaudeant et utantur quibus rationabiliter usi sunt temporibus retroactis, et cartas nostras eis inde de novo fieri faciemus.

(Whereas instead of our town of Winchelsea which for the greater part has already been submerged by the encroachments of the sea, and whose total submergence is daily feared, we have provided that a new town shall be made at Iham, and that lands and tenements there should be demised to the barons of the town and port of Winchelsea, and that they should be enfeoffed therewith, for building and habitation, We will and grant for us and our heirs, that when the barons have taken their sites at Iham and have begun to build thereon, they with all their chattels and goods shall be as free in the same new town and elsewhere as they were before in the aforesaid town of Winchelsea and in all other places and shall have the same liberties and customs which they had by the charters of our predecessors the kings of England, and shall use and enjoy the same liberties and free customs which they reasonably used in times past, and we will cause our charters to be made anew for them to that effect.)

LYME [REGIS], 1284. Et alias libertates et liberas consuetudines per totum regnum et potestatem nostram quas burgensibus nostris de Melecumbe per cartam nostram nuper concessimus et quibus cives nostri de London' per cartas progenitorum nostrorum quondam regum Anglie de rebus et mercandis suis rationabiliter usi sunt hucusque sine occasione vel impedimento justiciariorum, vicecomitum seu ministrorum nostrorum quoruncunque in perpetuum¹.

(And the other liberties and free customs throughout the whole of our kingdom and power which we have lately granted by our charter to our burgesses of Melcombe and which our citizens of London have hitherto reasonably made use of by virtue of the charters of our progenitors, kings of

¹ These liberties and customs were set forth at length in the subsequent charter of 1 Jan. 1285. For the grant of the same to Melcombe and Nova Villa, see I 4.

England, concerning their goods and merchandise, free from any hindrance or impediment on the part of our justices, sheriffs, bailiffs or other ministers whomsoever for ever.)

CARDIGAN, 1284. Sciatis quod concessimus...burgensibus nostris de Cardigan omnes bonas leges et consuetudines quibus burgenses nostri de Kermerdyn usi sunt hucusque racionabiliter et gravisi ut in communis, planis, boscis, aquis et omnibus aliis aisiamentis ad predictam villam de Cardigan spectantibus et retroactis temporibus optentis¹ et juste usitatis.

(Know ye that we have granted...to our burgesses of Cardigan all the good laws and customs which our burgesses of Carmarthen have hitherto reasonably used and enjoyed in commons, in fields, in woods and waters and all other easements to the aforesaid town of Cardigan appertaining and obtained and justly used in times past.)

HAVERFORDWEST, 1291.

Line 3. *For Kermerdyn read Cardigan.*

LANARK, 1285. Sciatis nos dedisse...burgo nostro de Lanark et burgensibus nostris in eodem burgo nostro manentibus omnia jura, libertates et privilegia que et quas iidem burgenses nostri temporibus nostris sive alicujus antecessorum nostrorum tempore hactenus habuerunt et possederunt seu habere debuerunt, unacum omnibus libertatibus burgi, adeo libere sicut alii burgi nostri communiter infra regnum nostrum de nobis liberius et quietius tenentur et possidentur.

(Know ye that we have granted...to our burgh of Lanark and our burgesses dwelling in our said burgh all the rights liberties and privileges which our said burgesses in our own times or in the time of any of our ancestors, hitherto had and possessed or ought to have, together with all the liberties of burgh, as freely as our other burghs are commonly held and possessed most freely and quietly of us within our realm.)

WELSHPOOL, 1241-c. 1286. Et ne aliquis ballivus noster in dictis burgensibus meis et eorum heredibus contra libertates et consuetudines legis britannie manum imposuerit, quas eisdem burgensibus et eorum heredibus quiete [concessi], concessi quod habeant et teneant predictam legem britanniam tam liberam et integram ut cives Herefordie tenent in omnibus consuetudinibus ad [dictam legem] spectantibus.

(And lest any of our bailiffs lay hands on my burgesses and their heirs contrary to the customs and liberties of the law of Brittany (? Breteuil) which I have peacefully granted to the same burgesses and their heirs, I have granted that they shall have and hold the aforesaid law of Brittany as freely and wholly as the citizens of Hereford hold it in all customs pertaining to the said law.)

LLANFYLLIN, *after* 1286.

NEW WINCHELSEA, 1288. Ita quod ipsi barones sint ibidem adeo liberi sicut prius apud Wynchelsea fuerunt et eisdem libertatibus

¹ "Temporibus optentis" supplied from the Haverfordwest charter.

quibus apud Wynchelsee per cartas antecessorum regis regum Anglie et confirmationem regis uti consueverunt, de cetero in omnibus gaudeant et utantur ibidem.

(So that the same barons shall be as free there as they were formerly at Winchelsea, and that they shall henceforth enjoy and use there the same liberties and customs which they were wont to use at Winchelsea by the charters of the predecessors of the king, being kings of England, and by the confirmation of the king.)

LIMERICK, 1292. (The liberties of Dublin having only been granted to L. in general terms¹.) Nos inspectis transcriptis cartarum de libertate predictorum civium Dublinie per dilectum et fidelem nostrum Willelmum Wescy justiciarium nostrum Hibernie per preceptum nostrum nobis ex hac causa missis ad requisitionem eorundem civium de Limerico, et ad meliorationem ejusdem civitatis, ut de hiis que libertates et liberas consuetudines predictorum civium de Limerico contingunt penitus tollatur ambiguitas, libertates et liberas consuetudines in predictis cartis Dublinie expressas concessimus et hac carta nostra confirmavimus eisdem civibus de Limerico specificata forma sequenti viz:—

(We after inspection of transcripts of the charters of liberty of the aforesaid citizens of Dublin sent to us for this reason by our beloved and faithful William Wescy, our justiciar of Ireland, in accordance with our orders, at the request of the same citizens of Limerick and for the betterment of the same city, in order that all ambiguity touching what relates to the liberties and free customs of the aforesaid citizens of Limerick may be wholly removed, grant and by this our charter confirm the liberties and free customs expressed in the aforesaid Dublin charters to the same citizens of Limerick in the specified form following:—)

CHESTERFIELD, 1294². Omnibus Christi fidelibus presens scriptum visuris vel auditoris Johannes dominus de Liddel et de Cestrefeud salutem in Domino sempiternam. Noverit universitas vestra me concessisse...imperpetuum hominibus meis de Cestrefeud qui de me et heredibus meis vel assignatis tenent et tenebunt burgagia in villa de Cestrefeud quod habeant et teneant de me et heredibus meis vel assignatis, ipsi et eorum heredes vel assignati, easdem libertates et liberas consuetudines infra villam de Cestrefeud et extra et in omnibus locis et per omnia quas habuerunt de dono et concessione Willelmi le Brewer senioris, predecessoris mei, et per confirmationem domini regis Henrici patris domini regis Edwardi et preterea per quamdam finalem concordiam sigillo Willelmi le Brewer junioris sigillatam, ita scilicet, quod ipsi burgenses et eorum heredes vel assignati habeant omnes easdem libertates et liberas consuetudines in omnibus locis et per omnia quas burgus Notingham habet.

¹ See vol. I, p. 31.

² See also p. 19.

(Know ye all that I have granted...for ever to my men of Chesterfield who do or shall hold burgages of me in the town of Chesterfield that they shall have and hold of me and my heirs or assigns, they and their heirs or assigns, the same liberties and free customs within and without the town of Chesterfield and in all places and in all matters which they had of the gifts and grant of William Brewer the elder, my predecessor, and by the confirmation of king Henry father of king Edward, and also by a certain final concord sealed with the seal of William Brewer the younger, to wit, that the same burgesses and their heirs or assigns shall have all the same liberties and free customs in all places and in all matters which the borough of Nottingham has.)

CHESTERFIELD, 1294. Et burgenses habeant et teneant omnes alias libertates et liberas consuetudines in omnibus rebus et locis quas burgus Nottingham habet.¹...Et predicti burgenses et eorum heredes vel assignati habebunt et tenebunt de me et heredibus meis vel assignatis nostris omnes libertates et liberas consuetudines libere, quiete, bene, in pace, jure, in feodo et hereditate in perpetuum sine aliquo impedimento seu retenemento.

(And the burgesses shall have and hold all other liberties and free customs in all things and in all places, which the borough of Nottingham has....And the aforesaid burgesses and their heirs or assigns shall have and hold of me and my heirs or assigns all their liberties and free customs freely...in fee and heredity for ever without any hindrance or reserve.)

ROSBERCON, 1289-95. Noveritis universitas vestra nos concessisse burgensibus nostris de Rosbargon' omnimodas libertates et liberas consuetudines quas antecessores nostri concesserunt burgensibus nostris de burgo nostro Kilkennie.

(Know ye all that we have granted to our burgesses of Rosbercon the liberties of every kind and free customs which our ancestors granted to our burgesses of our borough of Kilkenny.)

HULL, 1299. Et quod habeant omnes libertates et liberas consuetudines ad liberum burgum spectantes imperpetuum.

(And that they for ever have all the liberties and free customs pertaining to a free borough.)

"*RAVENSEROD*," 1299.

BERWICK-ON-TWEED, 1302.

"*SKYNBURGH*," 1301. Et habeant omnes libertates et liberas consuetudines ad hujusmodi liberum burgum pertinentes imperpetuum.

(And shall have all the liberties and free customs to a free borough of this kind pertaining for ever.)

KIRKBY JOHANNIS, 1305.

NEWBOROUGH (Anglesey), 1303. Cum omnibus libertatibus et liberis consuetudinibus ad liberum burgum pertinentibus quales videlicet habent burgenses nostri de Rothelan in burgo suo.

¹ Here follows the statement that they shall be free burgesses (see III 1).

(With all liberties and free customs to a free borough pertaining, such, to wit, as our burgesses of Rhuddlan have in their borough.)

CAERWYS, 1290.

Line 3. *For* Rothelan in burgo suo *read* Aberconeway et Rothelan in burgis suis vel alii burgenses nostri in Walliis.

CLITHEROE, 1272-91. Concessimus etiam et confirmavimus dictis burgensibus omnes libertates et liberas consuetudines quas habuerunt ex dono et concessione quondam Henrici de Lascy antecessoris nostri, illas scilicet, quas liberi burgenses Cestrie habent et quibus liberius utuntur et liberius eas aliquo tempore habuerunt seu habent vel eis utuntur.

(We have also granted and confirmed to the said burgesses all the liberties and free customs which they had by the gift and grant of a former Henry de Lacy our ancestor, those to wit, which the free burgesses of Chester have, and which they most freely use, and those which at any time they have most freely had and used¹.)

ABERAVON, 1288-1313². Sciant presentes et futuri quod ego Leysan ap Morgan dominus de Avene, filius et heres Morgani vachan, dedi...omnibus Anglicanis burgensibus et etiam chenceribus meis de Avene et eorum heredibus et assignatis omnes libertates in villa mea de Avene et in toto dominio meo infra limites de Avene quas habent burgenses de Kenefig in villa de Kenefig et infra dominium domini comitis Gloucestrie et Hertfordie, quantum in me est.

(Know all men present and future, that I Leysan ap Morgan, Lord of Avan, son and heir of Morgan vachan...have granted...to all the English burgesses and also to my tenses of Avan and their heirs and assigns all the liberties in the town of Avan and in all my demesne within the boundaries of Avan which the burgesses of Kenfig have in the town of Kenfig and within the lordship of the Earl of Gloucester and Hertford, as far as I can grant them.)

(9) Preservation of Vested Interests

SALISBURY, 1227. Haec omnia predicta saepedicto episcopo et successoribus suis, canonicis et civibus predictis concessimus, salvis libertatibus civitatis nostrae London.

(All the aforesaid privileges we have granted to the oftmentioned bishop and his successors, to the canons and the aforesaid citizens, saving the liberties of the city of London.)

[*DUBLIN*³, 1192. Haec omnia eis concessi salvis tenuris et terris omnium eorum qui terras et tenuras habent per cartam meam inde extra muros usque ad predictas metas, quod non possit civitas de terris illis sicut de aliis disponere, sed faciant omnes consuetudines civitatis

¹ Mr Ballard seems to assume a corruption in the text here.

² See critical notes above.

³ Cf. vol. 1, p. 35.

sicut alii cives: de illis autem haec dico qui cartam meam habuerunt de aliquibus terris infra predictas metas extra muros antequam civitati predictas libertates et hanc cartam concesserim.

(All these things I have granted to them saving the tenures and lands of all those who have lands and tenures by my charter in that behalf without the walls as far as the aforesaid bounds, because the city cannot dispose of those lands as of others, but they shall perform all the customs of the city as other citizens; I am speaking of those who had my charter in respect of any lands within the aforesaid bounds without the walls before I granted the aforesaid liberties and this charter to the city.)]

WATERFORD, 1232.

Line 2. *For meam read* domini Johannis regis patris nostri.

4. *For omnes read* communes.

5. *For meam read* ipsius patris nostri.

6. *For antequam...concesserim read* sicut continetur in carta ipsius patris nostri quam dicti cives inde habent (as is contained in the charter of my father aforesaid which the said citizens have therefor).

CORK, 1242. As Waterford.

Add salvis etiam libertatibus omnium civitatum et burgorum nostrorum tam in Anglia quam in Hibernia a nobis et predecessoribus nostris eis concessis (saving also the liberties of all our cities and towns both in England and in Ireland which have been granted them by us and our predecessors).

(12) Confirmation by Regrant and by Inspeximus¹

(a) REGRANT²

England and Wales

Alnwick, 1226-53 ...	... William de Vescy II regrants	1157-85
Andover, 1228 (a), (b) ...	... Henry III	Do. 1205 (May 1), 1213
Bedford, 1227 (b) ...	... Do.	Do. 1189
Beverley, 1237 ...	... Do.	Do. 1200
Bridgenorth, 1227 (a) ...	... Do.	Do. 1215
Bristol, 1252* ...	... Do.	Do. 1188
Cambridge, 1227 (a), (b) ...	... Do.	Do. 1201, 1207
Carmarthen, 1227 ...	... Do.	Do. 1201
Derby, 1229* ...	... Do.	Do. 1204
Dunwich, 1230 ...	... Do.	Do. 1215
Gloucester, 1227* ...	... Do.	Do. 1200
Hartlepool, 1234 (b) ...	... Do.	Do. 1201
Helston, 1225-40 ...	... Richard, earl of Cornwall	Do. 1201
Hereford, 1227 (a) ...	... Henry III	Do. 1215
Lancaster, 1227 ...	... Richard, earl of Cornwall	Do. 1199

¹ This section is numbered thus (12) in order to preserve the subdivisions of the code given in vol. I. So far as I know there is no example in this period of clauses similar to those there given under the sections I (10) Disallowance of Charter, and I (11) Papal Charters (C.).

² See the Introduction. Charters which contain additional grants are marked with an asterisk. These grants will be found in the text. The charters which are confirmed may be traced in vol. I by reference to the tables of sources and contents (pp. xxvi ff., cxxxviii ff.).

Leek, <i>after</i> 1224	...	... Richard, abbot of Dieulacres	regrants 1208-17
Lincoln, 1227*	...	... Henry III	Do. 1157, 1200
London, 1227 (a)*, (b), (c), (d)*	...	Do.	Do. 1196, 1199, 1215
1268*	...	Do.	Do. 1227
Newcastle-on-Tyne, 1234 (a)*	...	Do.	Do. 1213
Northampton, 1227	...	Do.	Do. 1200
Norwich, 1229*	...	Do.	Do. 1154-8, 1191, 1199
Nottingham, 1230*	...	Do.	Do. c. 1189
1272*	...	Do.	Do. 1255 (a), (b)
Oxford, 1229 (a)	...	Do.	Do. 1156
Portsmouth, 1229 (b)	...	Do.	Do. 1194
Preston, 1227	...	Do.	Do. 1179, 1199
Salisbury (Old), 1229	...	Do.	Do. 1100-35, 1154-89, 1200
Shrewsbury, 1227 (a)*, (b)	...	Do.	Do. 1205 and uncertain year
Southampton, 1227 (a), (b)	...	Do.	Do. 1189, 1199
Swansea, 1234	...	Do.	Do. 1215
Wilton, 1229	...	Do.	Do. 1129-35, 1154-8, 1204
Winchester, 1227	...	Do.	Do. 1215

Scotland

Ayr, 1223	...	... Alexander II	regrants 1202-7
Glasgow, 1224-7	...	Do.	Do. 1175-7
1225	...	Do.	Do. 1175-7
Inverkeithing, 1223 (a)	...	Do.	Do. 1165-1214
1223 (b)	...	Do.	Do. Do.
1259	...	... Alexander III	Do. Do.

(b) INSPEXIMUS

DUBLIN, 1229 (a). *Inspeximus* cartam Henrici regis avi nostri civibus nostris Dubline factam in hec verba: (here follows a copy of the charter of 1172-76). Nos igitur hanc concessionem ratam et gratam habentes eam predictis civibus et eorum heredibus pro nobis et heredibus nostris concedimus et confirmamus.

(We have inspected a charter of King Henry our grandfather, made to the citizens of Dublin in these words: (here follows a copy of the charter of 1172-76¹). We therefore considering this grant to be valid and pleasing, for us and our heirs, grant and confirm it to the aforesaid citizens and their heirs.)

There follow similar *inspeximus* of the charters of 1215 and 1200 (1229 (b)*, (c)).

For the *inspeximus* of 1285 see p. 34.

CARLISLE, 1251 (b). Quia accepimus per inquisitionem quam fieri fecimus quod cives nostri Karlioli quieti sunt, per cartam Henrici regis avi nostri, que combusta est per incendium ortum in civitate nostra Karlioli per infortunium, de theloneo etc. (as vol. I, pp. 55, 185, 205) et quod omnibus supradictis articulis, libertatibus et consuetudinibus hucusque libere usi sunt, Nos omnes libertates et consuetudines prefatis civibus nostris concedimus et hac carta nostra confirmamus,

¹ Vol. I, p. 184. The *inspeximus*, however, omits the words "et lestagio...caragio" and extends the exemption from tolls to Ireland.

Mr Ballard inadvertently dated Henry's charter 1164-76. See Eyton, *Itinerary of Henry II*, p. 185. It probably belongs to 1172-3. (See Addenda.)

pro nobis et heredibus nostris, volentes quod omnibus predictis libertatibus et consuetudinibus de cetero gaudeant et utantur libere, quiete, bene et in pace et integre imperpetuum cum omnibus aliis libertatibus et liberis consuetudinibus ad predictam villam Karleoli pertinentibus.

(Whereas we have learnt from an inquisition which we have caused to be made that our citizens of Carlisle are quit, by virtue of a charter of king Henry our grandfather which was burnt in a fire¹ which accidentally broke out in our city of Carlisle, of toll etc. (as vol. I, pp. 55, 185, 205) and that they have hitherto used all the aforesaid articles liberties and customs, We grant and by this our charter confirm all those liberties and customs to our aforesaid citizens, for us and our heirs, being willing that they shall henceforth enjoy and use all the aforesaid liberties and customs, freely quietly well and peacefully and completely for ever, together with all other liberties and free customs to the aforesaid city of Carlisle appertaining.)

CARLISLE, 1293. *Inspeximus* tenorem carte in rotulis cancellarie celebris memorie domini Henrici quondam regis Anglie patris nostri de anno regni sui tricesimo quinto irrotulate quam idem pater noster fecit civibus suis de Karliolo in hec verba....(Here follows the charter of 1251.)...Et quia carta illa nuper in incendio ville predictae per infortunium combusta fuit, nos de gracia nostra speciali tenorem carte predictae de verbo ad verbum sub sigillo nostro duximus testificandum.

(We have inspected the tenor of a charter inrolled in the rolls of the chancery of our lord Henry of famous memory formerly king of England our father of the 35th year of his reign, which our said father made to his citizens of Carlisle in these words....(Here follows the charter of 1251.)...And whereas that charter was lately accidentally burnt in a fire in the aforesaid city, We, of our special grace, have thought fit that the tenor of the aforesaid charter should be testified word for word, under our seal.)

Other confirmations by *Inspeximus* of previous charters² were obtained in this period.

1227	Bristol ...	... Henry III	inspects 1164
1300*	Do. ...	... Edward I	Do. 1227, 1252, 1256
1228	Stafford	... Henry III	Do. 1206
1229	Devizes ...	... Do.	Do. 1200
	Marlborough	... Do.	Do. 1204
	Montgomery	... Do.	Do. 1227-9
1230	Beverley ...	... Do.	Do. 1200
1307	Do. ...	... Edward I	Do. 1230, 1256
1232	Appleby ...	... Henry III	Do. 1200
1286	Do. ...	... Edward I	Do. 1232, etc.
1233	Lynn ...	... Henry III	Do. 1204
1268 ³	Do. ...	... Do.	Do. 1204, 1257-66
1280	Do. ...	... Edward I	Do. 1204, 1268
1234 (a)	Hartlepool	... Henry III	Do. 1230
1237	Exeter ...	... Do.	Do. 1200

¹ A more unusual misfortune befell the Irish charter which was eaten by pigs (*E.H.R.* xv, 515).

² For those earlier than 1216 see vol. I, for those later see the present volume. Confirmations accompanied by new grants are asterisked.

³ Not in strict *inspeximus* form. Cf. Pembroke and Worcester, 1264, below.

1259 (c)	Exeter ...	... Henry III	inspects	1259 (b)
1286	Do. ...	... Edmund, earl of Cornwall	Do.	1259 (a)
1300*	Do. ...	... Edward I	Do.	1154-8, 1237
1237	Barnstaple	... Henry III	Do.	1200
1272-1307*	Do. ...	... Edward I	Do.	1154-8, 1237
1237	Wycombe	... Henry III	Do.	1226 (Fine)
1285	Do. ...	... Edward I	Do.	1237
1237 (a), (b)	Chester ...	... Henry III	Do.	1200-8 (2 chs.)
1239	Do. ...	... Do.	Do.	1217-26
1300*	Do. ...	... Edward I	Do.	1237, 1239
1243	London	Henry III	Do.	1155-8
	(Weavers' Guild)			
1253 ¹ *	Do. ...	... Do.	Do.	All previous chs.
1303	Do. ...	... Edward I	Do.	1155-8
1246*	Bath ...	... Henry III	Do.	1189
1249	Chipping Campden	Do.	Do.	1247, etc.
1251 (b)	Higham Ferrers	... Do.	Do.	1251
1251 (a)	Carlisle ...	... Do.	Do.	1234
1252*	Colchester	... Do.	Do.	1189
	York ...	... Do.	Do.	1189-99, 1200, 1212
1253 (a)	Scarborough	... Do.	Do.	1155
1253 ¹ (b)	Wotton-under-Edge	Maurice de Berkeley	Do.	1253
1282 ¹	Do. ...	... Thos. II de Berkeley	Do.	1253
1256 (a)	Canterbury	... Henry III	Do.	1155-8
1298	Do. ...	... Edward I	Do.	1155-8, 1234, 1256 (a), (b)
1256 ¹	Pembroke	... Henry III	Do.	1173-89, 1201
1257	Carmarthen	... Do.	Do.	1254-5 (?)
1260	Oxford	Do.	Do.	1175
	(Cordwainers' Guild)			
1262	Lincoln ...	... Do.	Do.	1154-79
1272*	Do. ...	... Do.	Do.	1227 (c. 1)
1301*	Do. ...	... Edward I	Do.	All previous chs. except 1154-79 and 1200
1264 ¹ *	Worcester	... Henry III	Do.	1227
1239-66* (a), (c)	Morpeth	... Roger de Merlay III	Do.	1188-1239 and in (c) 1239-66 (a)
1266	Farnham ...	... Henry III	Do.	1247
1266*	Rochester	... Do.	Do.	1227
	Liverpool	... Robert, earl of Derby	Do.	1207, 1229
1267*	Coventry ...	... Henry III	Do.	1043, etc.
1268	Do. ...	... Do.	Do.	1181-8
1267	Wallingford	... Do.	Do.	1156
1268	Oxford University	... Do.	Do.	1248
1271	Grimsby	... Do.	Do.	1201
1275	Penryn ...	... Walter, bp. of Exeter	Do.	1236
1278 (a)	Pontefract	... Henry, earl of Lincoln	Do.	1194
1271-8	Barnard Castle	... Alexander de Balliol	Do.	Charters of his predecessors
1280	Cambridge	... Edward I	Do.	1227 (a), 1256 (b)
1292	Do. (University)	... Do.	Do.	1266, 1268, 1269
1280	Chard ...	... Rob. bp. of Salisbury	Do.	1235, 1271-2
1286	Do. ...	... Edward I	Do.	1280
1281	Bury St Edmunds	... Do.	Do.	1102-3
1285	Plympton	... Do.	Do.	1242, 1262-93
1285 (a)	Great Yarmouth	... Do.	Do.	1208, 1256, 1261
1285 (b)	Do. ...	... Do.	Do.	1272

¹ Not in strict *inspeximus* form.

1285	Dunwich ...	... Edward I	inspects 1256
	Bodmin ...	... Do.	Do. 1225-57
	Dublin ...	... Do.	Do. 1229 (b)
	Frauncheville (New- town, I.W.)	Do.	Do. 1256
	Norwich ...	Do.	Do. 1229, 1256
	Salisbury (New) ...	Do.	Do. 1227
	Truro ...	Do.	Do. c. 1166, 1174-86
1287*	Newport (Salop) ...	Do.	Do. 1163-6
1290	Winchester ...	Do.	Do. 1227
	Maldon ...	Do.	Do. 1171
	Cinque Ports ...	Do.	Do. All previous chs.
	Wells ...	Do.	Do. 1201
1291*	Ipswich ...	Do.	Do. 1200, 1256
	Cork ...	Do.	Do. 1242
1292	Cambridge	Do.	Do. 1266, 1268, 1269, 1270
	University		
1293	Newcastle-on-Tyne	Do.	Do. 1234, 1252
1299*	London ...	Do.	Do. 1227, 1253, 1268 ¹
1299*	Northampton ...	Do.	Do. 1227, 1257
1301 (a)	Oxford ...	Do.	Do. 1229 (a), 1257 (a)
1303	Limerick ...	Do.	Do. 1292
1305	Drogheda (Louth) ...	Do.	Do. 1229, 1253
1306	Carnarvon	... Edward, prince of Wales	Do. 1284

YORK, 1252. Inspeximus cartam Ricardi quondam regis Anglie, avunculi nostri, in qua continetur quod idem rex concessit et confirmavit civibus nostris Ebor' quietanciam &c. (see vol. I, pp. 187, 163, 137). Inspeximus etiam cartam domini Johannis regis, patris nostri, continentem quod idem rex concessit et confirmavit eis villam Ebor' (vol. I, p. 230). Confirmavit etiam idem Johannes rex pater noster per cartam suam quam inspeximus omnes libertates (vol. I, p. 6). Preterea idem Johannes rex pater noster concessit et confirmavit per eandem cartam eisdem civibus quietanciam (vol. I, p. 187) Nos autem predictas concessionones, leges, usus, consuetudines, libertates et quietanciam ratas habentes et gratas, eas pro nobis et heredibus nostris concedimus et confirmamus sicut eas hucusque usi sunt infra villam et extra sicut carte supradicte rationabiliter testantur.

(We have inspected a charter of Richard, formerly king of England, our uncle, in which is contained that the said king granted and confirmed to his citizens of York the quittance, etc. (see vol. I, pp. 187, 163, 167). We have also inspected a charter of king John our father containing that the said king granted and confirmed to them the town of York (vol. I, p. 230). The same king John also confirmed by his charter, which we have inspected, all the liberties (vol. I, p. 6). Moreover the same king John, our father, granted and confirmed to the same citizens by the same charter the quittance (vol. I, p. 187).

Now we, holding the same grants laws uses and customs to be valid and pleasing, do grant and confirm them for us and our heirs, as they have hitherto been used within the town and without, as the aforesaid charters reasonably witness.)

¹ A portion of the charter of 1268 was repealed (see *C.Ch.R.* II, 477).

(13a) Non-user of Liberties¹

SCARBOROUGH, 1253 (a). Volumus eciam et concedimus... quod si prefati burgenses nostri libertatibus predictis vel aliqua earum hucusque minus plene usi fuerint, iidem burgenses et eorum heredes omnibus libertatibus, liberis consuetudinibus et quietanciis predictis de cetero plenarie utantur et gaudeantur imperpetuum sine impedimento et contradiccione nostri et heredum nostrorum, justiciarum, vicecomitum et omnium ballivorum nostrorum una cum omnibus libertatibus, quietanciis et liberis consuetudinibus quibus iidem burgenses hucusque rationabiliter usi sunt temporibus predecessorum nostrorum regum Anglie et nostro.

(We will also and grant...that if our burgesses aforesaid have not hitherto fully used the liberties aforesaid or any of them, the said burgesses and their heirs shall fully use and enjoy all the liberties, free customs and quittances aforesaid for ever without any hindrance and contradiction from us and our heirs and our justices and sheriffs and all our bailiffs along with all the liberties, quittances and free customs which the said burgesses have hitherto reasonably used in the times of our predecessors, kings of England, and in our own time.)

BRISTOL, 1256. Quod si aliquibus articulis in dicta carta eisdem burgensibus de libertatibus prius concessa contentis minus plene usi fuere, eisdem de cetero eo non obstante libere et sine impedimento alicujus utantur, prout iidem articuli in eadem carta rationabiliter continentur.

(That if they have not fully used any clauses contained in the said charter of liberties formerly granted to the said burgesses, they may, notwithstanding, use the same for the future, freely and without hindrance from any, as the same clauses are reasonably contained in the same charter.)

BATH, 1256 (a).

GLOUCESTER, 1256.

Line 1. *For* Quod si *read* Et si iidem burgenses.

For dicta *read* nostra.

2. *Omit* burgensibus.

NORTHAMPTON, 1257. Et quod vti possint libertatibus supra dictis contentis in hac carta nostra quicumque (*sic* for quacumque) voluerint, licet aliquibus temporibus eis vsi non fuerint.

(And that they may use all the abovementioned liberties contained in this charter wherever they will, although at some time they may not have used them.)

OXFORD, 1257 (a). Concedimus etiam quod si predicti burgenses aliquibus libertatibus sibi a nobis vel progenitoribus nostris regibus Anglie preconcessis minus plene usi fuerint, de cetero libere et plene

¹ Similar clauses not here given were included in the charters of Lincoln (1301), etc.

uti valeant et gaudere, prout in cartis nostris quas inde habent rationaliter continetur.

(We grant also that if the aforesaid burgesses have not fully made use of any liberties formerly granted to them by us or our progenitors, kings of England, they may henceforth freely and fully use and enjoy them, as is reasonably contained in our charters which they have to that effect.)

WALLINGFORD, 1267. (After *inspeximus* of charter of 1156.) Volumus etiam et concedimus pro nobis et heredibus nostris quod licet burgenses predicti, a principio turbationis dudum post Parliamentum habitum apud Oxon in regno nostro suscitata, aliquo articulorum libertatum predictarum minus plene hactenus usi fuerint, ipsi tamen et eorum successores nihilominus de cetero libere et sine impedimento aliquo utantur libertatibus antedictis sicut predictum est.

(We will also and grant for us and our heirs that if the burgesses aforesaid, from the beginning of the disturbance lately excited in our realm after the Parliament held at Oxford, have hitherto less fully made use of any article of the liberties aforesaid, yet they and their successors shall nevertheless make use of the liberties aforesaid freely and without any hindrance, as is aforesaid.)

NORTHAMPTON, 1268 (a). Cum dilecti nobis maior et burgenses nostri Norhamptonie habeant quasdam libertates per cartas predecessorum nostrorum regum Anglie et nostras ac ipsi propter impedimentum guerre nuper in regno nostro habite eisdem libertatibus usi sint minus plene, Nos, eisdem gratiam facere volentes specialem, concedimus eis quod, licet propter impedimentum guerre predictae aliquibus articulis in dictis cartis contentis hucusque usi non fuerint ad plenum, eisdem nichilominus decetero utantur secundum quod in predictis cartis plenius continetur.

(Whereas our beloved mayor and burgesses of Northampton have certain liberties by virtue of the charters of our predecessors, kings of England and ourselves, and they, on account of the hindrance caused by the late war in our realm, have not fully made use of the same, We, willing to do them a special favour, grant to them that, although, on account of the hindrance caused by the aforesaid war, they have hitherto not made use of certain liberties contained in the said charters to the full, they may nevertheless make use of the same henceforth according to what is more fully contained in the aforesaid charters.)

EXETER, 1300. Quod licet ipsi libertatibus et consuetudinibus in dictis cartis contentis et expressis hactenus ad plenum usi non fuerint, nihilominus eisdem libertatibus et consuetudinibus de cetero per totum regnum et potestatem nostram plene et pacifice gaudeant et utentur sine occasione vel impedimento nostri vel heredum nostrorum, justiciariorum, vicecomitum seu aliorum ballivorum et ministeriorum nostrorum quorumcunque.

(That although they may not hitherto have used to the full the liberties and customs in the said charters contained and expressed, nevertheless they shall henceforth fully and peacefully enjoy and use the said liberties and customs throughout the whole of our kingdom and realm without any let or hindrance on the part of us or our heirs or our justices, sheriffs, bailiffs or other ministers whomsoever.)

BARNSTAPLE, 1272-1307.

NORWICH, 1305. Et si fortassis cives illi aliquibus libertatum sibi vel antecessoribus suis civibus, dicte civitatis per cartas nostras vel progenitorum nostrorum quondam regum Anglie prius concessarum hactenus plene usi non fuerint, Volumus et concedimus pro nobis et heredibus nostris quod ipsi et successores sui predicti libertatibus illis, quocunque tempore casus ex nunc contigerit quod eis uti possint, plene et absque impedimento nostri vel heredum nostrorum aut ministrorum quorumcunque gaudeant rationabiliter et utantur.

(And if perchance the citizens have hitherto not fully used any of the liberties granted to them or their ancestors by our charters or by those of our predecessors, formerly kings of England, We will and grant for us and our heirs that they and their successors aforesaid, at whatever time in the future the occasion for their use may arise, shall reasonably enjoy and use those liberties, fully and without impediment on the part of us or our heirs or ministers whomsoever.)

LYNN, 1305.

BEVERLEY, 1307. Quod licet predicti burgenses aliqua vel aliquibus libertatum in dictis cartis contentas, aliquo casu emergente, hactenus plene usi non fuerint, ipsi burgenses et eorum heredes ac successores, burgenses eiusdem ville, nichilominus libertatibus illis plene decetero gaudeant et utantur.

(That even if the aforesaid burgesses, owing to particular circumstances, have not hitherto fully used any one or more of the liberties contained in the said charters, they and their heirs and successors, being burgesses of the said town, shall nevertheless henceforth fully enjoy and use those liberties.)

(13b) Enquiry as to User of Liberties

LIMERICK, 1292. Cum dominus Johannes avus noster dudum dominus Hibernie et comes Moretonie antequam gubernacionem regni Anglie cepit, per cartam suam dudum concessit civibus de Limeric omnes libertates et liberas consuetudines quibus cives Dublin' per quascunque cartas Regum Anglie et dominorum Hibernie ubicunque utebantur, Et eidem cives de Limeric, licet libertates et consuetudines ille in carta predicta non exprimantur, eisdem tamen libertatibus et liberis consuetudinibus a tempore confeccionis ejusdem semper hactenus usi fuerunt et gavisi sunt, sicut per quandam inquisitionem inde per Galfridum de Gonivile nuper justiciarium nostrum Hibernie per brevem nostrum factam, nobis constat evidenter, Nos inspecta transcripta carte

de libertatibus predictorum civium Dublin' per dilectum et fidelem nostrum Willelmum Vost justiciarium nostrum Hibernie per preceptum nostrum ex hac missum, ad requisicionem eorum civium de Limeric et melioracionem ejusdem civitatis, ut de hiis que libertates et liberas consuetudines predictorum civium de Limeric contingent penitus tollatur ambiguitas, libertates et liberas consuetudines in predictis cartis Dublin' expressas concessimus et hac carta nostra confirmavimus iisdem civibus de Limeric specificat[as] in forma sequente, videlicet:

(Whereas lord John, our grandfather, formerly lord of Ireland and count of Mortain, before he undertook the government of England, formerly granted by his charter to the citizens of Limerick all the liberties and free customs, which in accordance with certain charters of the kings of England and the lords of Ireland, the citizens of Dublin everywhere used, and the said citizens of Limerick, although those liberties and free customs were not expressed in the charter aforesaid, have nevertheless always hitherto used and enjoyed them, as clearly appears from an inquest made thereon by our writ by Geoffrey de Goniville lately our justice of Ireland, We having inspected the transcript of the charter of the liberties of the aforesaid citizens of Dublin, sent thence by our order by our beloved and faithful William Vost, our justice of Ireland, at the request of the same citizens of Limerick and for the bettering of the said city, in order that all ambiguity may be removed with regard to the things that touch the liberties and free customs of the aforesaid citizens of Limerick, grant the liberties and free customs expressed in the aforesaid charters of Dublin and by this our charter confirm them to the same citizens of Limerick specified as follows, to wit:)

(14) Sanction of Municipal Legislation

GRIMSBY, 1258. Sciatis quod cum contentio orta esset inter divites homines ville nostre de Grymesby et pauperes homines ejusdem ville super mercandis ibidem faciendis, et nos pro communi utilitate dicte ville misissemus ibidem dilectum et fidelem nostrum Gilbertum de Preston ad dictam contentionem audiendam et transgressionem hinc inde factas emendandas, accepimus per eundem Gilbertum quod de communi assensu universitatis dicte ville provisum fuit et concessum coram eodem Gilberto quod ad communem (utilitatem) ejusdem ville provisio subscripta teneatur et observetur ibidem, videlicet....Nos autem dictam provisionem in omnibus et singulis articulis predictis ratam habentes et gratam ipsam quantum ad nos pertinet ad instantiam burgensium dicte ville et de consilio procerum qui sunt de concilio nostro concedimus et confirmamus pro nobis et heredibus nostris sicut prescripti articuli rationabiliter sunt provisi.

(Know ye that whereas strife had arisen between the rich men of our town of Grimsby and the poor men of the same town on the purchase of merchandise there, and whereas We for the common benefit of the said town had sent thither our beloved and loyal servant, Gilbert of Preston, to hear the said quarrel and amend the wrongs arising therefrom, We have learnt from the

said Gilbert that by the common consent of the community of the said town it has been provided and agreed in the presence of the said Gilbert that the underwritten provision shall be held and observed there, to wit....Now We, holding the said provision to be valid and pleasing in all and singular its articles, as far as we are concerned at the request of the burgesses of the said town, and by the advice of the nobles who are of our council, do grant and confirm it for us and our heirs, so far as the aforesaid articles are reasonably provided.)

GREAT YARMOUTH, 1272. Noveritis nos inspexisse, recipisse et retinuisse quosdam articulos a nostris burgensibus de Gernemuta communi sigillo eorundem signatos ac formam subscriptam continentes in hec verba:

A tuz ceus ke cest eskrit orunt u verunt. Les burgeys et tote la comunaute de la vile de graunt Gernemute Saluz. Al honur de Deu et nostre Seignur le rey meyntenir entre tute gent et a la sauvaciun de le avaunt dite vile avom nus purvu et ordine les choses desus escrites:

(Know ye that we have inspected, received and retained certain articles from our burgesses of Yarmouth signed with their common seal, and containing the underwritten form in these words:

To all those who shall hear or see this writing, the burgesses and all the community of the town of Great Yarmouth, greeting. To maintain the honour of God, and of our lord the king among all people, and for the salvation of the aforesaid town, we have provided and ordained the things below written:)

LEICESTER, 1277. Pur ceo ke les delays de la Curt de Portmanne-mot Leycestre vnt estre trop lungs et acuns vsages anuus a cels ke lor dreit dussent suire, Syre Edmund, frere nostre seignor Le Rey, seignor de la vile auaunt dite, par son conseil et par assent del meyre e de iurees e de tote la commune de mesme la vile, ad ordeyne e purueu les amende-menz desus escripts....

Les autres franchises de la vile auaunt dite e les vsages resnables cum auaunt vnt este vse remeinent estables.

(Whereas the delays of the Portmanmoot of Leicester have been too long, and some usages have injured those who had to sue their right, Sir Edmund, brother of our lord the king, lord of the aforesaid town, by his council and by the assent of the mayor and of the jurats and of the whole community of the same town, has ordained and provided the amendments underwritten....

The other franchises of the town aforesaid, and the reasonable customs as aforetime have been used, remain established.)

(15) Pardon¹

HEREFORD, 1267. (Edward son of Henry III².) Perdonavimus omnem iram et rancorem quos contra eosdem habuimus pro quibusdam

¹ For the remission to London for 20,000 marks in Jan. 1266 of "great crimes" against the crown, see *French Chronicle of London* (Camd. Soc.), p. 8.

² More than two years before Henry had exacted a fine of 560 marks from the citizens for pardon for their late rebellion (*Foedera* (R), I, 458).

transgressionibus nuper factis et illatis per eosdem contra nos, viz. a prima turbacione nuper in Anglia mota usque ad festum Omnium Sanctorum proximo venturum.

(We have pardoned all anger and rancour which we have against them for certain trespasses lately committed against us by them, viz. from the first disturbance lately made in England to the feast of All Saints next coming.)

NORTHAMPTON, 1268 (b)¹. Volentes maiori et probis hominibus nostris Norhamptonie gratiam facere specialem remisimus et perdonavimus eisdem et toti communitati ville eiusdem omnem indignationem et animi rancorem quos erga ipsos conceperamus occasione detentionis ville nostre Norhamptonie contra nos et captionis eiusdem, et etiam occasione transgressionis huiusmodi quantum in nobis est similiter perdonavimus et ipsos ad gratiam nostram et pacem nostram admisimus, nolentes quod ipsi per nos, heredes nostros, justiciarios, balliuos seu alios ministros nostros occasione predicta grauentur in aliquo seu molestentur. Ita tamen quod stent recto in curia nostra si quis de transgressionibus aliquibus versus eos loqui voluerit et erga nos et heredes nostros bene et fideliter se habeant in futurum.

(Wishing to do a special favour to the mayor and good men of Northampton, we have remitted and pardoned to them and to the whole community of the same town all the indignation and bitterness of mind which we had conceived against them by reason of the capture and holding of the same town of Northampton against us, and also by reason of any transgression of this kind, so far as in us lies, we have likewise pardoned and admitted them to our favour and peace, being unwilling that they shall be troubled or molested in any way by us, our heirs, our justices, our bailiffs or any other ministers of ours for the reason aforesaid. So nevertheless that they stand to judgment in our court if anyone wishes to sue them concerning transgressions of this kind, and that they conduct themselves in the future well and faithfully to us and our heirs.)

SWANSEA, 1306². In primis, quoniam coherere et conjungi non possunt quorum vota et studia fuerint diversa, idcirco ad honorem dei pacisque reformationem omnibus et singulis burgensibus nostris predictis qui litem contra nos in curia domini regis nuper moverunt, aut eisdem in predicta lite contribucionem aliquam vel auxilium presterunt, omnem remittimus rancorem et malam voluntatem, gratiam eis pristinam et dilectionem concedentes, actionesque quascunque personales ac querelas nos seu heredes nostros contra eosdem aut eorum quemlibet quocunque modo occasione predicta contingentes benigne remittentes.

(In the first place, since those whose wishes and aims differ cannot unite and join forces, for the honour of God and the restoration of peace we remit all rancour and ill will against all and singular our aforesaid burgesses who lately brought an action against us in the court of the lord king, or against

¹ Letters Patent.

² In 1286 Edmund earl of Cornwall pardoned the citizens of Exeter for some offence not described and remitted 50 marks from a fine of 250 (Oliver, *Exeter*, p. 62).

any who gave them support and aid in the aforesaid suit, granting them (our) former favour and affection, and freely remitting any personal actions and complaints whatsoever which we or our heirs might bring against them, or any of them, in any manner on the aforesaid ground.)

(16) Rights of Crown saved

CINQUE PORTS, 1278. *Salva semper in omnibus regia dignitate, et salvis nobis et heredibus nostris placitis corone nostre vite et membrorum.*

(Saving always in all things the royal dignity, and saving to us and our heirs the pleas of our crown of life and limb.)

FAVERSHAM, 1302.

(17) Enlargement of Borough¹

WESTCHE[A]P, 1255-8². *Noveritis universitas vestra me concessisse hominibus meis manentibus in Westchep juxta Taneself easdem libertates et consuetudines quas alii burgenses mei de Pontefracto habent de antecessoribus meis.*

(Be it known to you all that I have granted to my men dwelling in Westcheap near Tanshelf the same liberties and customs as my other burgesses of Pontefract have of the gift of my ancestors.)

NEWCASTLE-ON-TYNE, 1298. *Sciatis quod dedimus et concessimus...dilectis burgensibus et probis hominibus nostris ville Novi Castri super Tynam omnes terras et tenementa cum pertinentiis in Pampeden in Byker juxta predictam villam Novi Castri cum redditibus et serviciis omnium tenentium nostrorum et heredum suorum cum suis pertinentiis que habuimus ex concessione et reddicione Roberti de Byker et Ladararie uxoris ejus et que iidem Robertus et Ladararia de nobis prius tenuerunt de hereditate ipsius Ladararie, Habenda et tenenda eisdem burgensibus et probis hominibus et heredibus suis de nobis et heredibus nostris per eandem firmam quam nobis reddunt de villa Novi Castri supradicti imperpetuum cum omnibus ad terras et tenementa, redditus et servicia predicta spectantibus ad unienda et includenda dicte ville Novi Castri in augmentum emendacionem et securitatem eiusdem ville. Et quod predicta villa Novi Castri et terre et tenementa predicta in Pampeden unica villa de cetero sint et unus burgus.*

(Know ye that we have given and granted...to our beloved burgesses and good men of the town of Newcastle-on-Tyne all the lands and tenements with their appurtenances in Pandon in Byker adjoining the aforesaid town of

¹ Cf. VI 6 (Scarborough, 1256 (b)). Perhaps the Burton grants of 1273 and 1286 (II A 1) imply enlargements.

² See critical note.

Newcastle, with the rents and services of all our tenants there and their heirs which we had of the grant and surrender of Robert of Byker and Ladararia his wife, and which the said Robert and Ladararia formerly held of us as the inheritance of the said Ladararia, To have and to hold to the said burgesses and good men and their heirs of us and our heirs by the same farm as they render to us from the aforesaid town of Newcastle with all things pertaining to the said lands and tenements rents and services, to be united and included in the said town of Newcastle, for the increase improvement and security of the said town. And that the aforesaid town of Newcastle and the aforesaid lands and tenements in Pandon henceforth be one town and one borough.)

NEWCASTLE-ON-TYNE, 1298. Et quod predicti burgenses et probi homines et eorum heredes et illi et eorum heredes qui terras et tenementa predicta in Pampeden modo tenent et imposterum tenebunt habeant in omnibus et per omnia libertates et liberas consuetudines quas predicti burgenses et probi homines habent in predicta villa Novi Castri ex concessione progenitorum nostrorum regum Anglie et nostra¹.

(And that the aforesaid burgesses and good men and their heirs who now hold the lands and tenements aforesaid in Pandon and in future shall hold the same, shall have all the liberties and free customs which the aforesaid burgesses and good men have in the aforesaid town of Newcastle by the grant of our progenitors, kings of England, and by our own grant.)

(18) Proclamation of Charter

NEWCASTLE-ON-TYNE, 1234 (b). Et mandatum est eidem vicecomiti quod predictam cartam in pleno comitatu suo legi et proclamari faciat et predictam libertatem eis habere permittat sicut predictum est.

(And command is given to the said sheriff to cause the aforesaid charter to be read and proclaimed in full county court, and to allow them to have the aforesaid liberty as is aforesaid.)

(19) Specification of Liberties

SCARBOROUGH, 1253 (c). (After reciting grant of charter of Henry II (1155) conferring liberties of York and confirmation of 1253 (a).) Nos, ad maiorem evidentiam et securitatem quasdam libertates predictas quas in predictis cartis non specificantur secundum tenorem cartarum predecessorum nostrorum regum Anglie quas predicti cives de Ebor' inde habent, specificandas duximus et declarandas.

(We, for greater evidence and security, have thought fit to specify and declare certain of the aforesaid liberties, which are not specified in the aforesaid charters, according to the tenor of the charters of our predecessors, kings of England, which the citizens of York have therefor.)

¹ See also sect. 3 above and II A (1), III 6, IV A 5 (a) and V A 16, below.

(20) *Magna Carta*¹

SCARBOROUGH, 1253 (c). Et quod dicti burgenses vel aliqui venientes ad predictum burgum non vexentur aut graventur ibidem ab aliquo contra libertates contentas in Magna Carta nostra magnatibus et aliis liberis hominibus Anglie confecta.

(And that the said burgesses or any persons coming to the aforesaid borough shall not be vexed or injured by any person contrary to the liberties contained in our Great Charter granted to the magnates and other free men of England.)

CLONMEL, 1299. Edwardus Dei gratia rex Anglie...justiciariis suis de banco Dublinie salutem. Monstravit nobis dilectus et fidelis noster Oto de Grandisono quod, cum homines et burgenses ville de Clonmele teneant terras et tenementa sua in eadem villa de ipso Otone et non de alio immediate, Johannes de la Rokele et Walterus filius Mathei le Poher versus quasdam homines et burgenses ville predictae de terris et tenementis illorum brevia nostra que vocantur *precipe in capite* tacite impetraverunt et ipsos, spreta curia ipsius Otonis, inde implacitant coram vobis contra tenorem magne carte de libertatibus Anglie in qua continetur², etc.

(Mandate to supersede the pleas if the facts are correct.)

(Edward, etc. to his justices of the bench at Dublin greeting. Our beloved and faithful Otto de Grandison has shown to us that whereas the men and burgesses of the town of Clonmel hold their lands and tenements in the said vill from the said Otto and not from any other immediately, John de la Rokele and Walter son of Matthew le Poer have secretly obtained our writs which are called *Praeceptum in capite* against certain men and burgesses of the aforesaid town touching their lands and tenements and, ignoring the court of the said Otto, implead them thereon before you contrary to the tenor of the great charter of liberties of England in which is contained, etc.)

(21) *Penalty for Breach of Charter*

SWANSEA, 1306. Volumus insuper et concedimus pro nobis, etc., quod quandocunque nos, etc. aliquem articulum premissorum quacunque arte vel ingenio violauerimus, contra dictas concessionem, etc. seu illarum aliquam in quocunque articulo temere veniendo, domino regi Anglie in quingentis libris argenti nomine puri debiti, necnon cui vel quibus ex burgensibus predictis aut heredibus eorum iniuriatum fuerit contra presentis carte tenorem in quingentis marcis argenti nomine puri debiti infra dimidium annum a tempore transgressionis commisse soluendis quociuscunque fecerimus vel attemptauerimus quicquam con-

¹ See also IV D 2.

² Magna Carta, 1215, c. 34. Clause 40 against the sale, etc. of justice is quoted in part in the Swansea charter of 1305 (IV A 19). For c. 20 see Gloucester, p. 215.

tra premissa aut eorum aliqua, nos et heredes nostros tenore presentis scripti volumus et concedimus obligari et teneri.

(We will also and grant for us, etc., that whenever we shall have violated any article of the aforesaid by whatever art or craft, rashly going against the said grants, etc., or any of them in any article whatever, we will and grant that we and our heirs by the tenor of the present writing are obliged and bound to pay within six months of the commission of the offence, to the lord king of England £500 as pure debt, and also to any one or more of the burgesses injured contrary to the tenor of the present charter 500 marks as pure debt, whenever we shall do or attempt anything against the aforesaid or any of them.)

II A. BURGAGE TENURE AND LAW OF REAL PROPERTY

(1) Grants of Burgages¹

ABBOTS BROMLEY, 1222. Omnibus Christi fidelibus, etc. R[icardus] dei gratia abbas Burthoniae, etc., salutem. Noverit, etc., quod dominus H[enricus] rex Angliae filius regis Johannis concessit nobis facere unum burgum in villa de Bromlega et unam feriam per tres dies duraturam et omnes libertates et liberas consuetudines ad burgum pertinentes, etc., et ideo volumus ut omnes qui propter hanc regiam concessionem nobis factam de nobis burgagia in eadem villa acceperint ea habeant, etc., libere et quiete, reddendo nobis annuatim pro quolibet burgagio duodecim denarios, etc.

(To all the faithful of Christ, etc. Richard by the grace of God abbot of Burton, etc. greeting. Be it known to you, etc. that the lord Henry king of England, son of king John has granted to us to make a borough in the vill of Bromley and a fair to last three days and all liberties and free customs pertaining to a borough, etc., and therefore we will that all who in consequence of this royal grant made to us shall take burgages from us in the said vill may have and hold them freely and quietly, paying us yearly 12*d.* for each burgage, etc.)

SALISBURY, 1225. Scire volumus singulos et universos quod nos de assensu et voluntate Willelmi decani et capituli Sar'...dedimus et...confirmavimus liberis civibus nostris de nova civitate nostra Sar' quod de nobis et successoribus nostris teneat unusquisque suum liberum tenementum in civitate predicta.

(We wish all and singular to know that we, with the assent and free will of William the dean and the chapter of Salisbury, have given and confirmed to our free citizens of our new city of Salisbury that each one shall hold his free tenement in the city aforesaid of us and our successors.)

SHERBORNE, 1227-8. Scire volumus universis, nos...dedimus et...confirmavimus omnibus liberis hominibus nostris qui nova burgagia capiunt vel recepturi sunt apud Shirburne, scilicet, inter capellam S. Thome et castrum, quod ipsi et heredes sui teneant de nobis et successoribus nostris burgagia que habent vel habituri sunt in predicto loco libere, pacifice, integre, honorifice et quiete imperpetuum cum omnibus libertatibus et liberis consuetudinibus ad huiusmodi burgagia pertinentibus².

¹ For grants of burgages at a collective rent see VI 1. (Cloyne, 1238-65, Newport (I.W.), 1262-93, Sheffield, 1297.)

² Confirmed by Bishop Roger, 1315-30.

(We will that all men shall know...that we have given and confirmed to all our free men who take or shall receive new burgages at Sherborne, to wit, between the chapel of St Thomas and the Castle, that they and their heirs shall hold of us and our successors the burgages which they have or shall have in the aforesaid place freely, peacefully, completely, honourably and quietly for ever with all the liberties and free customs appurtenant to burgages of this kind.)

PENRYN, 1236. Noveritis nos pro nobis et successoribus nostris concessisse et...confirmasse probis hominibus nostris burgensibus de Penryn et heredibus suis vel assignatis quod burgagia sua libere de nobis teneant¹.

(Know ye that we, for ourselves and our successors, have granted and confirmed to the good men our burgesses of Penryn and their heirs or assigns that they shall hold their burgages freely of us.)

HARTLEPOOL, 1230. Et quod omnia tenementa sua in burgo de Hertilpole sint libera per iustos et rectos redditus suos per annum solutos pro omnibus serviciis, auxiliis, consuetudinibus et exactionibus.

(And that all their tenements in the borough of Hartlepool shall be free in return for their just and right rents to be paid annually for all services, aids, customs and exactions.)

[*BRISTOL*, 1188². Concessi etiam eis omnes tenuras suas infra muros et extra muros usque ad predictas metas in messuagiis, in virgultis, in aedificiis super aquam et alibi, ubicunque fuerint in villa, tenendas in liberum burgagium, scilicet per servitium landgabuli quod reddunt infra muros.

(I have granted also to them all their tenements within and without the walls as far as the boundaries aforesaid, to dispose thereof as they will [with the common assent of the city]³, in messuages, in orchards, in buildings over the water and elsewhere, wherever they may be in the town, to hold in free burgage, that is to say, by the service of landgable, which they render within the walls.)]

BRISTOL, 1252.

Line 1. *For* Concessi etiam *read* Et quod teneant.

After omnes *insert* terras et.

WATERFORD, 1232. (As *Dublin*, 1200.)

Line 2. *For* predictas *read* rectas.

After metas *insert* ad disponendum inde pro voluntate sua per communem assensum civitatis.

CORK, 1242. As *Waterford*.

LIMERICK, 1292. Do.

Line 1. *After* tenuras *read* ad eandem civitatem pertinentes usque ad....

4, 5. *Omit* quod...muros.

¹ The claim of the Bishop of Exeter to a liberum burgum at Penryn from time immemorial was admitted 30 Edw. I. See *P.Q.W.* p. 108.

² Vol. I, p. 40.

³ Omit the words in brackets. See *Waterford*.

CHIPPING CAMPDEN, 1247. (Letters patent of Henry III confirming.) Concessionem quam Hugo de Gundevill fecit burgensibus de Campden de burgagiis in burgo de Campden.

(The grant which Hugh of Gundevill¹ made to the burgesses of Campden concerning their burgages in the borough of Campden.)

DROGHEDA (Meath), 1247. Et quod habeant burgagia sua et acras suas cum pertinenciis suis infra metas suas, sicut eis melius et liberius aliquo tempore concessa fuerunt et liberata.

(And that they shall have their burgages and their acres with their appurtenances within their boundaries, as they were best and most freely granted and delivered to them at any time.)

HIGHAM FERRERS, 1251. Et quod terras et catalla et tenementa sua cum pertinenciis infra villam de Hecham et extra que prius tenuerunt ad voluntatem nostram habeant et teneant de nobis et heredibus nostris in libera burgagia de cetero, sicut continetur in carta nostra quam eisdem fieri fecimus de libero burgo in Hecham habendo.

(And that their lands and chattels and tenements with their appurtenances within the town of Higham and without which they formerly held at our will, they shall have and hold henceforth of us and our heirs for free burgages, as is contained in our charter which we caused to be made to them concerning their having a free borough in Higham.)

WEYMOUTH, 1252. Quod omnes burgenses nostri infra metas prescriptas in dicta villa manentes...libere teneant burgagia sua per metas et divisas, cum omnibus mercandisiis suis.

(That all our burgesses dwelling within the aforesaid bounds in the said town...freely hold their burgages throughout the said metes and bounds, with all their merchandises.)

MACCLESFIELD, 1261. Et quod burgagia sua et terras suas ad burgagia sua pertinentes habeant et teneant libere et quiete per duodecim denarios per annum.

(And that they shall have and hold their burgages and their lands pertaining to their burgages freely and quietly for twelve pence a year.)

AGARDSLEY, 1263. Noverit universitas vestra me dedisse... omnibus qui burgagia in libero burgo meo de Adgaresleg capere voluerint quod habeant in quolibet burgagio tres acras terre, scilicet duas acras arabiles et unam in burgo ad inedicandum....Habendas et tenendas² de me et heredibus meis sibi et heredibus suis vel assignatis libere &c., exceptis viris religiosis et Judeis, cum omnibus libertatibus, liberisque comunis et asiamentis ad predicta burgagia pertinentibus.

(Be it known to you all that I have granted to all who wish to take burgages in my free borough of Agardsley, that they shall have three acres in every

¹ Hugh de Gonneville, one of the justices of Henry II, died about 1189 (*E.H.R.* xvi, 96).

² Corrected from habendo et tenendo.

burgage, to wit, two arable acres and one acre in the borough for building upon...to have and to hold of me and my heirs to them and their heirs or assigns, except men of religion and Jews, freely etc., with all the liberties and free commons and easements to the aforesaid burgages appertaining.)

MORPETH, 1239-66 (b). Noverit universitas vestra me dedisse liberis burgensibus meis de Morpath totam culturam meam terre mee ex boreali parte ville de Morpath per has divisas scilicet...(here follow boundaries)....Et infra dictam culturam dedi predictis burgensibus meis quadraginta tria tofta et dimidiam rodam in libero burgagio, habenda et tenenda sibi et heredibus suis de me et heredibus meis cum omnibus libertatibus et aisiamentis predicte ville de Morpath pertinentibus adeo libere et quiete et honorifice sicuti carta mea quam dicti burgenses habent de dono meo proportat et testatur.

(Be it known to you all, that I have given to my free burgesses of Morpeth the whole of my furlong of land on the northern side of the town of Morpeth with these boundaries....And within the said furlong I have given to the aforesaid burgesses 43 tofts and half a rood in free burgage, to have and to hold to them and their heirs of me and my heirs with all the liberties and easements pertaining to the aforesaid town of Morpeth as freely and quietly and honourably as my charter, which the said burgesses have of my gift, purports and witnesses.)

MORPETH, 1246-62. Sciatis me dedisse liberis burgensibus meis de Morpath in liberum burgagium quadraginta et sex toftos de dominico meo in Morpath, scilicet: in cultura que vocatur Berhaluh ad caput orientale eiusdem ville sexdecim toftos, et in cultura que vocatur Staniflat inter Cottingburn et viam monachorum ex parte orientali sexdecim toftos, et inter Cottingburn et eandem viam ex occidentali parte quattuordecim toftos Habendos et tenendos (as in preceding charter).

(Know ye that I have given to my free burgesses of Morpeth in free burgage 46 tofts of my demesne in Morpeth, to wit, in the furlong called Berhaluh at the eastern end of the town, 16 tofts, and 16 tofts in the furlong called Staniflat between Cottingburn and the Monks' Way on the eastern side, and 14 tofts between Cottingburn and the said way on the western side, To have and to hold, etc.)

BURFORD (Salop), c. 1265-6. Sciant presentes et futuri quod ego Hugo de Mortuomari dominus de Castro Ricardi dedi et concessi omnibus liberis burgensibus meis de Bureford omnia burgagia eorum cum pertinentiis, tenenda de me et heredibus meis eisdem burgensibus et heredibus suis libere et quiete pro duodecim denariis pro quolibet burgagio annuatim solvendis.

(Know all men, present and future that I Hugh de Mortimer, lord of Richard's Castle, have given and granted to all my free burgesses of Burford all their burgages with their appurtenances, to be held of me and my heirs to the same burgesses and their heirs freely and quietly for twelve pence to be paid for each burgage annually.)

BRIDGETOWN POMEROY, 1268. Sciant presentes et futuri quod ego Henricus de la Pomeraye, filius Henrici de la Pomeraye et Margarete de Vernun dedi, concessi et hac presenti carta mea confirmavi burgensibus meis de Brigg' quos feofaui de noua terra et nouo burgagio tenend' et habend' predictas terras et predicta burgagia predictis burgensibus et heredibus suis vel assignatis vel quibuscunque dare, vendere vel assignare seu legare voluerint, salua domo religiosa et Iudaysmo, de me et heredibus meis vel assignatis, adeo libere sicut ceteri burgenses mei de Brigg' burgagia sua tenent.

(Know all, present and to come, that I Henry de la Pomeray...have given... to all my burgesses of Brigg', whom I have enfeoffed with new land and new burgage, to have and to hold the aforesaid land and the aforesaid burgages to the aforesaid burgesses and their heirs or assigns or to whomsoever they should wish to give sell or assign or bequeath them (saving to a religious house or a Jew) of me and my heirs or assigns, as freely as my other burgesses of Brigg' hold their burgages.)

WARTON, 1246-71. Noveritis me dedisse...liberis burgensibus meis de Warton habere burgagia sua libera quanta sibi de iure acquirere poterunt in eadem villa de Warton, habenda et tenenda sibi et heredibus suis vel suis assignatis vel eorum heredibus, exceptis viris religiosis, clericis et Judeis, de me et heredibus meis libere &c., cum omnibus pertinentiis suis et libertatibus infra villam de Warton et extra pertinentibus, exceptis separalibus meis boscis, pratis, pasturis et dominicis, videlicet (here follow boundaries).

(Know ye that I have granted to my free burgesses of Warton that they shall have their burgages free, which they can rightfully acquire in the same town of Warton, to have and to hold to them and their heirs or assigns, or the heirs of the latter, except men of religion and Jews, freely etc., with all the appurtenances and liberties within and without the town of Warton, excepting my separate woods meadows pastures and demesnes to wit (here follow boundaries).)

CONGLETON, 1272-c. 1274. Quod predicti burgenses et heredes et assignati eorum burgagia sua et terras ad burgagia sua pertinentes ac etiam terras que infra predictum dominium approviari et reddituari poterint per sacramentum predictorum burgensium absque lesura libertatum suarum et commune sue predictae habeant et teneant pacifice et quiete in perpetuum. [See p. 58.]

(That the aforesaid burgesses and their heirs and assigns may have and hold peacefully and quietly for ever their burgages and the lands to their burgages appertaining and also the lands which can be approved and let at a rent within the lordship aforesaid by the oath of the aforesaid burgesses without damage to their liberties and their rights of common aforesaid.)

KINVER, c. 1260-1300. Sciant presentes et futuri quod ego Johannes filius Johannis filii Philippi dedi...omnibus burgensibus meis

de Kynefare quod habeant et teneant burgagia sua prout burgenses de Kidderminster liberius et melius tenent in omnibus libertatibus et liberis consuetudinibus.

(Know all men present and future that I John son of John fitz Philip have given...to all my burgesses of Kinver that they shall have and hold their burgages as the burgesses of Kidderminster most freely and best hold their burgages in all liberties and free customs.)

BURTON-ON-TRENT, 1273. Noverit universitas vestra nos concessisse pro nobis et successoribus nostris omnia burgagia sita ex utraque parte vie que vocatur Bradeweie, a terra Thome Homeledogge et Henrici le Bonde versus le Brerecros, ita esse libera et quieta in omnibus et per omnia imperpetuum sicut sunt alia burgagia sita in dicta villa de Burthon, et quod omnes tenentes dicta burgagia ex utraque parte de Bradeweie sita habeant easdem libertates et liberas consuetudines quas habent seu habere debent burgenses Burthon ratione burgagiorum que habent in villa de Burthon tam extra burgum quam intra.

(Be it known to you that we have granted for us and our successors that all the burgages situate on each side of the way that is called Broadway, from the land of Thomas Homeledog and Henry the Bonde towards the Brerecross, shall be as free and quit in all things for ever as the other burgages situate in the said town of Burton, and that all persons holding the said burgages on each side of the Broadway shall have the same liberties and free customs as the burgesses of Burton have or ought to have by reason of their burgages which they have in the town of Burton, both within the borough and without.)

BURTON-ON-TRENT, 1286. Noverit universitas vestra nos unanimi consensu capituli nostri pro nobis et successoribus nostris concessisse quod omnia burgagia a domo que fuit Johannis le Norreis per medium Sywardesmor usque ad regalem viam que vocatur Ykenildestrete ex utraque parte vie sita adeo sint libera in omnibus et per omnia sicut cetera burgagia ville antedictæ. Habeantque tenentes eadem burgagia omnes libertates et liberas consuetudines infra burgum de Burton et extra quas habent ceteri burgenses eiusdem ville nomine burgagiorum suorum, teneantque de nobis et successoribus nostris sibi et heredibus suis ac assignatis, exceptis religiosis aliis a domo nostra et omnibus aliis per quorum ingressum nobis verisimiliter preiudicium aut dampnum poterit evenire.

(Be it known unto you that we, with unanimous consent of our chapter, for us and our successors, have granted that all the burgages from the house which belonged to John le Norreis through the middle of Sywardsmoor as far as the royal way called Icknield Street, situate on each side of the way, shall be as free in all things as the other burgages of the beforementioned vill. And the tenants of the said burgages shall have all the liberties and free customs within the borough of Burton and without, which the other burgesses have by reason of their burgages, and that they shall hold them of us and our

heirs to them and their heirs and assigns, except men of religion, other than our house, and all others through whose entrance prejudice of damage might happen to us.)

ORMSKIRK, c. 1286. Et quod singuli eorum habeant unam acram terre ad burgagium suum cum pertinenciis.

(And that each of them shall have an acre of land for his burgage with appurtenances.)

ORMSKIRK, c. 1286. Tenendum et habendum de nobis et successoribus nostris sibi et heredibus suis et assignatis suis libere, quiete, honorifice in viis, semitis, turbariis, moris, pratis, pascuis et pasturis et cum omnibus aliis asiamentis ad dictam terram pertinentibus imperpetuum¹.

(To have and hold for ever of us and our successors to them and their heirs and assigns freely, quietly, honourably in roads, paths, peatmosses, moors, meadows and pastures and with all other easements belonging to the said land.)

DENBIGH, 1282-90. Sachiez nous avoir done et graunte et par ceste notre presente chartre confirme a William du Pountfreit deux burgages en la ville de Dynebieghe dedenz les murs et deux curtilages en Dynebieghe dehors les murs et deux bovees de terre od les apurtenaunces en Lewenny....(Here follow 43 similar grants.)....A avoir et a tenir a eaux et a lour heirs et a lour assignez Engleys demorauntz en lavaunt dite ville de Dynebieghe dedenz les murs, de nous et de nos heirs par les condicions soutzescrites.

(Know ye that we have given, granted and by this our present charter confirmed to William of Pontefract two burgages in the town of Denbigh within the walls and two curtilages in Denbigh without the walls and two bovates of land and the appurtenances in Lewenny....(Here follow 43 similar grants.)...To have and to hold to them and their heirs and assigns, being Englishmen dwelling in the aforesaid town of Denbigh within the walls, of us and our heirs on the conditions below written.)

CLITHEROE, 1272-91. Noveritis nos concessisse et hoc presenti scripto nostro confirmasse liberis burgensibus nostris de Clyderhow omnia burgagia sua, terras suas, tenementa sua, cum omnibus pertinentiis suis infra villam de Clyderhow et extra, cum omnibus suis libertatibus, communis et aisiamentis dictis burgagiis, terris et tenementis pertinentibus, excepto bosco nostro de Salthul in quo nullam communam habebunt nec ingressum². Ita quod dictus boscus sepe vel

¹ This clause is placed awkwardly at the end of the privileges granted to the burgesses the last of which is the right to hold a Portmanmoot (IV A 2), but its natural position seems after the burgage clause.

² By an indenture (in French) dated 8 June 1307 the earl granted Salthill Wood with those of Parisounge and Balloclawe to the burgesses and "disapproved some common land west of the castle which he had enclosed, reserving his lordship of the vill of Clitheroe as well in demesne as in service" (Harland, *Ancient Charters of Clitheroe*, p. 13).

fossato includatur ita quod averia dictorum burgensium in eo ingredi non possint et si pro defectu claustrum ingrediantur sine imparcamento foris mittantur.

(Know ye that we have granted and by this present writing confirmed to the free burgesses of Clitheroe all their burgages, lands and tenements with all their appurtenances within the town of Clitheroe and without, with all the liberties, commons and easements to the said burgages, lands and tenements pertaining, except our wood of Salthill, in which they shall have neither common nor entrance. Provided that the said wood shall be enclosed with a hedge or ditch, so that the cattle of the said burgesses shall not be able to enter it, and if for default of a fence they do enter it, they shall be sent out without impounding.)

ALTRINCHAM, c. 1290. Et quod unusquisque burgensis teneat singulum burgagium suum duarum perticarum terre in latitudine et quinque in longitudine cum una acra terre integra in campis...libere... cum omnibus libertatibus prescriptis.

(And that each burgess hold his burgage of two poles of land in width and five in length with one whole acre of land in the fields freely...with all the liberties before written.)

OVERTON, 1292. Et quod ipsi et heredes sui messuagia sua infra burgum predictum imperpetuum habeant et teneant de nobis et hereditibus nostris per servicia inde debita et consueta.

(And that they and their heirs shall have and hold their messuages within the aforesaid borough of us and our heirs by the services thence due and accustomed.)

KNUTSFORD, c. 1292. Sciant presentes et futuri quod ego Willelmus dominus de Tabley dedi...omnibus et singulis burgensibus meis de Knotisford burgagia libera, unumquodque continens infra se duos seliones et dimidium terre, Habendum et tenendum de me et heredibus meis vel assignatis sibi et heredibus suis vel assignatis eorum libere... et jure hereditario imperpetuum.

(Know all men, present and future that I William lord of Tabley have given...to all and singular my burgesses of Knutsford free burgages, each containing two ridges and a half of land, to be had and holden of me and my heirs or assigns to them and their heirs or assigns freely...by hereditary right for ever.)

NEWCASTLE-ON-TYNE, 1298¹. Et quod terre et tenementa predicta de cetero sint libera burgagia et teneantur in liberum burgagium adeo libere et quiete sicut predicti burgenses et probi homines burgagia sua in predicta villa Novi Castri melius et liberius tenent.

(And that the aforesaid lands and tenements shall henceforth be free burgages and shall be held in free burgage as freely and quietly as the aforesaid burgesses and good men best and most freely hold their burgages in the aforesaid town of Newcastle.)

¹ Cf. I 17.

(2) *Gablum, etc.*¹

[*KILKENNY*, 1202–10². *Preterea concessi eisdem burgensibus quod habeant et teneant illi et heredes sui de me et heredibus meis libere et quiete imperpetuum burgagia sua cum pertinentiis suis pro redditu quem Galfridus filius Roberti primo constituit, burgagium scilicet cum pertinentiis pro redditu duodecim denariorum annuatim solvendo, medietatem ad Pascham et aliam medietatem ad festum Sancti Michaelis.*

(Moreover I have granted to the same burgesses that they and their heirs may have and hold of me and my heirs their burgages with their appurtenances freely and quietly for ever, for the rent which Geoffrey fitz Robert fixed at first, that is to say, a burgage with its appurtenances for the rent of twelve pence to be paid annually, one moiety at Easter, and the other at Michaelmas.)]

CARLOW, 1223. Line 5. *For scilicet read quodlibet.*

MOONE, 1223.

NEW ROSS, c. 1279.

Line 4. *For quem...constituit read quem constituimus.*

ROSBERCON, 1289–95.

Lines 3, 4. *Omit pro...constituit.*

SALISBURY, 1225. *Volumus insuper quod unusquisque honorifice, libere, quiete et pacifice teneat de nobis et successoribus nostris suum tenementum scilicet placeam vel placeas sibi et heredibus suis (corr. from similiter et heredi sui), reddendo nobis et successoribus nostris duodecim denarios ad duos terminos annuatim scilicet ad Pascha sex denarios et ad festum Sancti Michaelis sex denarios pro omnibus serviciis et demandis. Continet autem placea in longitudine septem perticas, in latitudine vero tres perticas. Ita ut unusquisque qui teneat plenam placeam reddet annuatim duodecim denarios ad predictos terminos, et qui plus vel minus tenuerit secundum eandem quantitatem predictam inde nobis et successoribus nostris reddebit.*

(We will moreover that each man shall honourably, freely, quietly and peaceably hold his tenement, to wit, his place or places, of us and our successors to him and his heirs, rendering to us and our successors twelve pence at the two terms yearly, to wit, 6*d.* at Easter, and 6*d.* at Michaelmas for all services and demands. A place contains 7 perches in length and 3 perches in breadth. So that each man who holds a full place shall pay 12*d.* yearly at the aforesaid terms, and he who holds more or less than the same area shall pay accordingly to us and our successors.)

CHESTERFIELD, 1226–7. (Fine.) *Preterea dictus Willelmus Briwerr...concessit quod predicti burgenses et heredes sui habeant et teneant omnes acras terre in campis quas habuerunt et tenuerunt die quo ista concordia facta fuit, reddendo per annum pro qualibet acra*

¹ See also III A 1 (*Macclesfield, Burford*).

² Vol. I, p. 43.

quattuor denarios, exceptis decem acris de dominico suo quarum qualibet acra reddit per annum octo denarios.

(Moreover, the said William Brewer...has granted that the aforesaid burgesses and their heirs shall have and hold all the acres of land which they had and held in the fields on the day on which this agreement was made, rendering fourpence for each acre, except ten acres of his demesne of which each acre renders 8*d.*)

CHESTERFIELD, 1226-7. (Fine.) Salvis tamen firmis suis assisis in toftis in villa de Cestrefeld eo die quo ista concordia facta fuit, et salvis illis toftis quos dictus Willelmus Briwerr et heredes sui postea assedebunt.

(Saving nevertheless his rents assessed on the tofts in the town of Chesterfield on the day when this agreement was made, and saving those tofts which the said William Brewer and his heirs shall hereafter assess.)

SHERBORNE, 1227-8. Sunt autem predicta burgagia in tres partes distincta; prima pars est in australi parte qua itur a capella S. Thome versus castrum in qua parte plenum burgagium continet in longitudine viginti perticatas et in latitudine quatuor perticatas. Ita videlicet quod quicunque tale burgagium tenuerit dabit nobis et successoribus nostris duodecim denarios per annum. Secunda pars est in boreali parte predictae vie in qua parte plenum burgagium continet in longitudine viginti quatuor perticatas et in latitudine quatuor perticatas, et quicunque tale burgagium tenuerit dabit nobis et successoribus nostris annuatim decem et octo denarios, et qui plus vel minus tenuerit de talibus partibus burgagii secundum predictam quantitatem nobis et successoribus respondebit. Tercia pars est que se extendit a capella S. Thome versus orreum nostrum in qua parte burgagium continet in longitudine duas perticatas et in latitudine duas perticatas et qui tale burgagium tenuerit dabit nobis et successoribus nostris octo denarios per annum. Ipsi vero qui predicta burgagia tenent et tenebunt solvent prenominationum redditum ad quatuor anni terminos, scilicet, ad Natale Domini, quartam partem, et ad festum Annunciacionis Beate Marie quartam partem, et ad festum Nativitatis S. Johannis Baptiste quartam partem, et ad festum S. Michaelis quartam partem, pro omni servicio et exaccione.

(Moreover, the aforesaid burgages are distributed into three parts: the first part is on the southern side of the way from the Chapel of St Thomas to the castle, where a full burgage contains in length 20 perches and in breadth 4 perches: and he who holds such a burgage shall pay to us and our successors twelve pence a year. The second part is on the northern side of the aforesaid way where a full burgage contains in length 24 perches and in breadth 4 perches, and whoever holds such a burgage shall pay yearly 18*d.* to us and our successors, and he who holds more or less of such parts of a burgage shall answer to us and our successors according to the aforesaid quantities. The third part is

that which extends from the chapel of St Thomas to our barn, where a burgage contains in length 2 perches and in breadth 2 perches, and whoever holds such a burgage shall pay 8*d.* a year to us and our successors. Moreover, they who hold and shall hold the aforesaid burgages shall pay the beforenamed rent at the four terms of the year, to wit, at Christmas, a fourth part, at the Feast of the Annunciation of the Blessed Mary a fourth part, at the Nativity of St John the Baptist, a fourth part and at Michaelmas a fourth part, for all service and exaction.)

PENRYN, 1236. Et pro qualibet acra integra et debito modo mensurata reddant nobis et successoribus nostris duodecim denarios de redditu per annum ad duos terminos, videlicet in festo Omnium Sanctorum et in Kalendis Maii, pro equis porcionibus, pro omni servicio.

(And for every whole acre measured in the wonted manner they shall pay to us and our successors 12*d.* rent every year at two terms, to wit, at the Feast of All Saints and on the first day of May, in equal portions, for all service.)

SALFORD, c. 1230. Et reddet de quolibet burgagio suo per annum duodecim denarios pro omnibus firmis que ad burgagium illud pertinent. ...Prefati vero burgenses dabunt firmam meam de burgagiis ad quattuor anni terminos, scilicet ad Natale Domini *iiid.*, ad mediam Quadragesimam *iiid.*, ad festum beati Johannis Baptistae *iiid.*; et ad festum beati Michaelis *iiid.*

(And he shall pay for every burgage twelve pence a year for all the farms that pertain to that burgage....The aforesaid burgesses shall pay my farm for their burgages at the four terms of the year, to wit, at Christmas 3*d.*, at Mid Lent 3*d.*, at the feast of St John the Baptist 3*d.*, and at Michaelmas 3*d.*

BOLTON, 1253.

Line 1. *Omit* per annum.

3. *For* meam *read* suam.

For de burgagiis *read* de burgo¹.

4. *After* Domini *insert* pro quolibet burgagio.

5. *For* beati (2) *read* Sancti.

6. *After* Michaelis *insert* Archangeli.

STOCKPORT, c. 1260.

Line 3. *For* meam *read* suam.

After burgagiis *insert* suis.

Omit quattuor...end and *read* festum omnium Sanctorum.

MANCHESTER, 1301. Quod omnes burgenses reddent de quolibet burgagio suo duodecim denarios per annum pro omni servicio.

(That all burgesses render for every burgage twelve pence a year for all service.)

CHARD, 1235. Volumus autem et concedimus omnibus infra has metas aedificare volentibus acras singulas pro duodecim denariis annuis.

(Moreover we will and grant to every person wishing to build within these boundaries an acre each for 12*d.* an acre yearly.)

¹ But "burgo" is obviously wrong.

Quicquid autem de burgagiis fecerint semper remanebit nobis integer redditura noster, scilicet, de singulis burgagiis 12*d.*

(But whatever they do with their burgages, the entire rent shall always remain to us, to wit, 12*d.* from every burgage.)

LEEK, after 1224¹. Et quilibet eorum reddet nobis duodecim denarios de firma annuatim pro omni servicio et consuetudine ad nos pertinente, scilicet, sex denarios ad festum Sancti Eadwardi in estate et sex denarios ad festum Sancti Martini.

(And each of them shall pay us 12*d.* yearly for all service and custom to us pertaining, to wit, 6*d.* at the feast of St Edward in summer, and 6*d.* at Martinmas.)

SALTASH, before 1246. De pleno burgagio reddent sex denarios ad duos anni terminos, scilicet, in vigilia Natalis Domini tres denarios et in vigilia Pasche sequentis tres denarios, et de dimidio burgagio reddent tres denarios ad predictos terminos et de forinseca terra reddent ad festum S. Michaelis quantum ad forinsecam terram pertinet.

(For a full burgage they shall render 6*d.* at the two terms of the year, to wit, on Christmas Eve 3*d.*, and on Easter Eve following, 3*d.*, and for a half burgage they shall render 3*d.* at the aforesaid two terms, and for their foreign land they shall render at Michaelmas as much as pertains to the foreign land.)

GAINSBOROUGH, before 1250. As underwritten, to be paid of them and their heires, that is to say they and their heires paying to me and my heires for every toft² with the appurtenāse (*sic*) xi*d.* for all manner of seruisse, that is to meete³ at Easter a vid. and at the feast of St Michael a vid.

UTTOXETER, 1252. Yielding to us yearly and to our heirs for every burgage separately twelve pence sterling at two terms of the year, viz....for all secular service, customs, and exactions, etc.

WEYMOUTH, 1252. Reddendo inde annuatim nobis et successoribus nostris et ecclesie nostre Wyntonie redditum de quolibet burgagio predictae ville debitum et concessum secundum quod predicta burgagia et tenementa eis extenta et concessa fuerunt quando predictam libertatem eis concessimus et nostram hanc presentem cartam inde confecimus.

(Rendering thence to us and our successors and to our church of Winchester the due and accustomed rent from every burgage of the town aforesaid, according to the rents at which the aforesaid burgages and tenements were extended and granted to them when we granted to them the aforesaid liberty and when we conferred on them this our present charter to that effect.)

¹ Cf. vol. I, p. 50.

³ *Sic* ? weet (wit).

² Called burgages in I 7.

WEYMOUTH, 1252. Quod predictum redditum suum et quacunq̃ amerciamenta de dicto burgo provenienda ibidem ballivis nostris ad hoc ex parte nostra assignatis tribuant et non ulterius deferant, ad duos anni terminos principales, videlicet, ad Natale Domini et Pascha.

(That they pay the aforesaid rent and all ameracements accruing from the said borough to our bailiffs appointed on this behalf on our part, at the two principal terms of the year, to wit, at Christmas and Easter, and that they do not delay payment beyond those terms.)

DEGANWY, 1252. Pro duobus solidis singulis annis reddendis ballivo nostro qui pro tempore fuerit ibidem ad opus nostrum, videlicet *xiid.* ad Pascha et *xiid.* ad festum S. Michaelis, pro omni servicio.

(For two shillings payable each year for our profit to our bailiff for the time being in that place, namely twelve pence at Easter and twelve pence at Michaelmas, for all service.)

WOTTON-UNDER-EDGE, 1253. Paying to her (lady Joan de Berkeley) twelve pence yearly for every burgage.

RATHCOOL, 1228-56 (*b*). Reddendo inde annuatim nobis et successoribus nostris duodecim denarios pro singulis burgagiis ad duos terminos anni, medietatem ad festum Sancti Michaelis et medietatem ad Pascha.

(Rendering thence yearly to us and our successors twelve pence for each burgage at the two terms of the year, one moiety at Michaelmas and the other moiety at Easter.)

AGARDSLEY, 1263. Reddendo inde annuatim mihi et heredibus meis, ipsi et heredes sui vel sui assignati, pro quolibet burgagio octodecim denarios ad duos anni terminos, scilicet, ad festum S. Michaelis *ixd.*, et ad festum annunciationis beate Marie *ixd.*

(Rendering thence yearly to me and my heirs, they and their heirs or assigns, for each burgage, eighteen pence at the two terms of the year, to wit at Michaelmas *9d.*, and at Lady Day *9d.*)

AGARDSLEY, 1263. Et si ita contingat aliquod burgagium vacuum vel vastum esse ultra unum annum et unum diem, tunc alii burgenses de firma dicti burgagii tanquam de aliis respondent, pro omni servicio, seculari exactione et demanda ad liberum burgagium pertinente.

(And if it shall so happen that any burgage shall be vacant or unoccupied for more than a year and a day, then the other burgesses shall answer for the rent of the said burgage as of the others, (the same rent being) for all service secular exaction and demand pertaining to a free burgage.)

MORPETH, 1239-66 (*b*). Reddendo inde annuatim mihi et heredibus meis ipsi vel heredes sui pro quolibet plenario tofto sexdecim denarios¹ et pro dimidia roda duos denarios, scilicet, ad duos terminos,

¹ The same rent was demanded from each of the 46 burgages created by the charter of 1246-62.

ad festum Sancti Cuthberti in quadragesimo dimidiam, et ad festum Sancti Cuthberti in Septembre dimidiam.

(Rendering therefor yearly to me and my heirs, they or their heirs, for each full toft, sixteen pence, and for the half rood, 2*d.*, to wit, at two terms, at the feast of St Cuthbert in Lent, one half, and at the feast of St Cuthbert in September, the other half.)

MORPETH, 1239-66 (c).

Line 3. *Omit* pro dimidia roda.

BRIDGETOWN POMEROY, 1268. Reddendo annuatim pro qualibet acra terre mihi et heredibus meis vel assignatis duodecim denarios sterlingorum, videlicet ad Pascha.

(Rendering yearly for every acre of land to me and my heirs or assigns, 12*d.*, to wit, at Easter.)

KINVER, c. 1260-1300. Et quod unusquisque eorum pro suo burgagio respondeat mihi et heredibus meis annuatim de decem denariis annui redditus, videlicet, pro quolibet burgagio ad festum S. Michaelis quinque denariis, et ad festum S. Mariæ in Martio de quinque denariis, pro omni servicio exaccione et seculari demanda.

(And that each of them for his burgage answer to me and my heirs yearly in ten pence of yearly rent, to wit, at Michaelmas five pence, and at the feast of St Mary in March, five pence, for all service exaction and secular demand.)

CONGLETON, 1272-c. 1274. Videlicet quodlibet burgagium pro sex denariis et quamlibet acram terre pro duodecim denariis ad terminos reddituales dicte ville consuetas.

(To wit, sixpence for each burgage, and 12*d.* for each acre at the usual rent terms of the said town.) [See p. 49.]

BURTON-ON-TRENT, 1273. Reddendo inde annuatim nobis et successoribus nostris quicunque dicta burgagia tenuerint pro singulis burgagiis singulos duodecim denarios argenti ad duos anni terminos, scilicet, ad festum S. Michaelis sex denarios et ad Pascha sex denarios, pro omni servicio seculari ratione dictorum burgagiorum exigendo. Ita tamen quod qui burgagium et dimidium tenet reddat annuatim octodecim denarios ad predictos terminos et sic quilibet secundum quod magis vel minus tenuerit, majus minusve reddat.

(Rendering thence yearly to us and our successors, whosoever shall hold the said burgages, for each burgage twelve silver pennies at the two terms of the year, to wit, at Michaelmas six pence, and at Easter six pence, for all secular service to be required by reason of the said burgages. So however that he who holds a burgage and a half shall pay annually eighteen pence at the aforesaid terms, and so that everyone shall pay more or less according as he holds more or less.)

BURTON-ON-TRENT, 1286. Reddendo pro singulis burgagiis nobis et successoribus nostris duodecim denarios ad duos anni terminos

scilicet ad festum S. Michaelis sex denarios et ad Pascha sex denarios. Ita tamen quod qui plura habuerit burgagia, plus quam burgagium vel minus reddat secundum quantitatem terre.

(Rendering for each burgage to us and our successors twelve pence at the two terms of the year, to wit, at Michaelmas six pence, and at Easter six pence. So that he who holds several burgages shall pay more than one burgage or less according to the quantity of his land.)

ORMSKIRK, c. 1286. Et quilibet reddat pro burgagio suo duodecim denarios argenti ad duos anni terminos, scilicet ad festum Nativitatis beate Marie sex denarios et ad festum sancti Nicholai sex denarios, pro omnibus firmis ad dictum burgum pertinentibus. [Cf. p. 135.]

(And each shall pay for his burgage twelve pence at two terms of the year, namely at the feast of the Nativity of the blessed Mary six pence and at the feast of St Nicholas six pence for all rents pertaining to the said borough.)

DENBIGH, 1282-90. Et rendaunt a nous et a noz heirs par an chescun des Burgeys avauntnomez et les heirs de chescun de eaux ou les assignez de chescun de eaux Engleis avaunditz un dener a Noel en noun de Housgable pur chescun des burgages et curtilages avaunditz. Hors pris Sire William de la Mountaigne person qui paera a Noel avauntnome pur les Burgages et curtilages avaunditz cesze deners (and 4 other exceptions). Et ensement rendaunt a nous et a noz heys chescun de eaux avaunditz qui bovees tienent et les heirs de chescun de eaux et les assignez Engleis de chescun de eaux avaunditz pur chescune des bovees avaundites severaument qaraunte deners par an, cest assavoir, vint deners a la feste de Pentecouste et vint deners a la feste Seynt Michiel, horspris Richard de Shoresworthe (and 7 others) les quieux rendront a nous et a noz heirs chescun par sey les deners de Housgable avauntnomez par an taunt come il vyvent, et apres lour decesser lour heirs ou lour assignez et les heirs de lour heys et les heys de lour assignez Engleis chescun par sei, rendront a nous et a noz heirs par an, pur chescun bovee avaundite qaraunte deners a les termes avaunditz et ja du maynz pur les burgages et les curtilages les deners de Housgable avauntnomez al terme avaundit.

(And paying to us and our heirs yearly, each of the burgesses beforenamed and the heirs and assigns of each of them, being English, one penny at Christmas by way of Housegable for each of the burgages and curtilages aforesaid, except Sir William of the Mountain, the parson, who shall pay 16*d.* at Christmas before named (and 4 other exceptions). And also paying to us and our heirs, each of the aforesaid who hold bovates, and the heirs and assigns of each of them being Englishmen, for each of the bovates aforesaid 40*d.* a year, that is to say, 20*d.* at Michaelmas, and 20*d.* at Whitsuntide, except Richard de Shoresworth (and 7 others) who shall render to us and our heirs each for himself, the pence by way of Housegable beforenamed every year so long as they live, and after their decease, their heirs or assigns and the heirs of

their heirs and assigns, being Englishmen, each for himself, shall pay to us and our heirs every year for each bovat aforesaid 4*od.* at the terms aforesaid, and also for the burgages and curtilages the pence by way of Housegable before mentioned at the term aforesaid.)

ALTRINCHAM, c. 1290. Pro duodecim denariis ad tres terminos anni mihi et heredibus meis annuatim solvendis per equales porciones, videlicet, ad nativitatem S. Johannis Baptistae, ad festum omnium Sanctorum et ad annunciationem Beatae Mariae.

(For twelve pence yearly to be paid to me and my heirs by equal portions at the three terms of the year, to wit, at the Nativity of St John the Baptist, at the feast of All Saints, and at the Annunciation of the Blessed Mary.)

KNUTSFORD, c. 1292. Reddendo inde annuatim mihi et heredibus meis vel assignatis de quolibet burgagio xii denarios ad duos anni terminos, videlicet, sex denarios ad festum S. Johannis Baptistae et sex denarios ad festum S. Martini in yeme.

(Rendering thence annually to me and my heirs or assigns from each burgage twelve pence at the two terms of the year, to wit, six pence at the feast of St John the Baptist and six pence at Martinmas in the winter.)

KIRKHAM, 1296. Burgenses vero dicti burgi reditum suum [reddant] ad duos anni terminos, videlicet, ad natale Domini medietatem et ad festum nativitatis S. Johannis aliam medietatem.

(Moreover, the burgesses of the said borough shall pay their rent to us at two terms of the year, to wit, at Christmas one moiety, and at Midsummer, the other moiety.)

(3) Building Burgages¹

[*KILKENNY*, 1202-10. Item liceat burgensibus de tenementis suis quae tenent in burgagio, sine injusto vicinorum suorum gravamine, disponere², sicut sibi melius viderent expedire, sive edificia sive ortos sive virgulta sive alia.

(It shall be lawful for my burgesses to deal with their tenements which they hold in burgage, without any unjust annoyance to their neighbours, as may seem most expedient to them, whether these tenements be buildings or gardens or orchards or other.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289-95.

[*BRISTOL*³, 1188. Quod quilibet eorum possit se emendare quantum poterit in aedificiis faciendis ubique super ripam et alibi sine damno burgi et villatae.

¹ See also II 5 and VI 7. For Kilkenny, see also p. 61.

² Cf. vol. I, p. 67 and *B.C.* II, 92, where alienation of land is understood. The correction is Dr Hemmeon's (p. 136 n.).

³ Vol. I, p. 50.

(That each of them may make improvements as much as he can, in making buildings everywhere, on the river-bank and elsewhere, so that there be no damage to the borough and the township.)]

DROGHEDA (Louth), 1229.

Line 1. *Omit* quilibet eorum.

For possit *read* possint.

2. *For* poterit *read* poterunt.

After ripam *insert* usque ad filum aque.

Omit sine...villatae.

3. *Add* infra metas suas et in omnibus aliis que ad commodum nostrum et heredum nostrorum et predicti burgi vertentur.

DROGHEDA (Meath), 1247. As Drogheda (Louth).

Line 2. *After* aque *read* de Boyn.

WATERFORD, 1232. (As Dublin, 1200.)

Line 2. *For* ubique *read* ubicunque voluerint.

Omit alibi.

3. *For* burgi *read* civium.

CORK, 1242. As Waterford.

LIMERICK, 1292. As Waterford.

Line 2. *Omit* quantum poterit.

3. *For* villatae *read* ejusdem civitatis.

BARNARD CASTLE, 1215-27. Item, concedo quod quilibet burgensis possit capere viam¹ ante ostium suum pro domibus suis edificandis et fimam colligere usque ad mediam viam.

(Item, I grant that each burgess may take the road in front of his door for building his houses, and may collect dung as far as the middle of the road.)

ORFORD, 1256 (b). Concessimus etiam eisdem hominibus quod predictam uillam edificare et appropriare possint prout melius sibi et dicte uille uiderint expedire.

(We have also granted to the said men that they may build upon and approve the said vill as they shall see to be most beneficial for themselves and the said vill.)

SCARBOROUGH, 1256 (b). Et quod iidem burgenses et eorum heredes dictum manerium infra divisas suas edificare, includere et approuare possint, prout melius sibi et dicto burgo viderint expedire.

(And that the said burgesses and their heirs may build on, inclose and approve the said manor within their boundaries as they shall see to be most expedient for them and the said borough.)

[KILKENNY, 1202-10². Et qui tenementa sua habent prope aquam, liceat eis extendere ea et edificare super aquam si velint.

(And those who have houses adjoining the water, may extend them and build over the water, if they wish.)]

NEW ROSS, c. 1279.

ROSBERCON, 1289-95.

¹ *I.e.* dig clay for wattle and daub construction.

² Vol. 1, p. 50. This clause immediately follows that allowing free use of burgage tenements (see above).

(4) Area of Burgages

SALFORD, c. 1230. In primo quod quilibet burgensium habeat unam acram ad burgagium suum.

(First that every burgess have one acre for his burgage.)

BOLTON, 1253. *Add* mensuratum per perticam viginti quatuor pedum.

STOCKPORT, c. 1260. *After* habeat *insert* unam perticatam terre ad mansuram suam et.

Line 2. *After* acram *insert* in campo.

Omit ad burgagium suum.

DEGANWY, 1252. Quod singuli burgensium eiusdem ville habeant infra burgum illum dimidiam acram terre ad edificandum et curtillagium faciendum et duas acras terre arabilis extra eundem burgum.

(That each burgess of the same town have within the town one half acre of land for making a house and curtilage and without the town two acres of land for ploughing.)

RATHCOOL, 1228-56 (b). Singulis eorum quatuor acras terre in messuagio, prato et terra arabili.

(To each of them four acres of land in their messuage, meadow and arable land.)

WARTON, 1246-71. Reddendo annuatim pro quolibet burgagio in se continente unam rodam et quatuor fallas duodecim denarios, medietatem, scilicet, ad Pentecosten et aliam medietatem ad festum S. Michaelis, pro omni servicio et demanda.

(Rendering for each burgage containing one rood and four falls 12d., to wit, one moiety at Whitsuntide and the other moiety at Michaelmas for all service and demand.)

WOTTON-UNDER-EDGE, 1253 (a). That their burgages shall consist of a third part of an acre, accordinge to the custome and usages of Tetbury.

(5) Appurtenances of Burgages¹

SHREWSBURY, 1256 (a). Et quod iidem burgenses se possint appruare in terra et in aqua infra libertates suas sine impedimento vel calumpnia nostri vel heredum vel ballivorum nostrorum, salvis purpres-turis si que ad nos vel heredes nostros de jure debeant pertinere².

(And that the said burgesses may make enclosures within their liberties without hindrance or claim on the part of ourselves or our heirs or bailiffs, saving the purprestures, if any there be which ought rightfully to pertain to ourselves or our heirs.)

BRIDGENORTH, 1256 (a)².

¹ For land in fields see also Bristol, Drogheda, Agardsley, Ormskirk and Altrincham, II A 1, and sect. 4.

² Best placed here, though I know no other grants similarly unlimited (C.). Cf. II 3 and VI 7.

(6) Rights of Timber, Turf, etc. Rights of Way

(a) BUILDING WOOD AND FUEL

ABBOTS BROMLEY, 1222. Item concedimus eis ut a festo sancti Andreae apostoli, etc. anno regni regis Henrici filii regis Johannis septimo habeant rationabilem estoverium suum per visum forestarii in bosco nostro de Bromlega extra haias nostras de mortuo bosco jacente ad husbote, haibote, furbote burgagiorum suorum usque ad vii annos completos, etc.

(We further grant to them that from the feast of St Andrew the Apostle, etc., in the seventh year of the reign of king Henry, son of king John, they shall have their reasonable allowance, by view of the forester in our wood of Bromley, outside our hays, of dead wood that has fallen for housebote, haybote and firebote of their burgages for a period of seven years.)

[*KILKENNY*, 1202-10¹. Liceat eisdem burgensibus extra defensum meum communionem boscorum meorum habere.

(It shall be lawful for the same burgesses to have common in my woods outside my preserves.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

HELMSLEY, c. 1186-1227. Concedo etiam eis boscum ad foculum et ad edificandum versus moram.

(I grant also to them wood for their hearth and for building towards the moor.)

SALFORD, c. 1230. Iidem burgenses rationabiliter de predicto bosco capient omnia necessaria ad edificandum et ardendum.

(The same burgesses shall reasonably take from the aforesaid wood everything that is necessary for building and firing.)

STOCKPORT, c. 1260.

Line 1. *For Iidem read Predicti.*

2. *After necessaria insert sua.*

BOLTON, 1253. Volumus etiam quod predicti burgenses possint capere in quadam grava nostra quod est inter Magnam Loue et terram ecclesie de Bolton necessaria ad ardendum et edificandum, ita tamen quod liceat [nobis] et heredibus nostris de predictis boscis, planis, pascuis, pasturis et turbariis assartare, colere, asce[n]dere, et ad commodum nostrum de illis facere, salvis predictis burgensibus omnibus antedictis secundum quod ad eorum tenementa infra villam de Bolton pertinet sufficienter.

(We will also that the aforesaid burgesses may take in a certain grove of ours which is between Great Lever and the land of Bolton Church what is necessary for firing and building, provided that it shall be lawful for us and

¹ Vol. 1, p. 56.

our heirs to assart, till, and enter with animals the said woods, fields, meadows, pastures and turf-mosses and make our profit of them, saving to the aforesaid burgesses all the above mentioned according to what sufficiently pertains to their tenements within the vill of Bolton.)

BOLTON, 1253. *Concessimus etiam eisdem comunia ad fodendum et arduendum in turbaria ville de Bolton.*

(We have also granted to the same common of digging and burning in the turf-moss of Bolton.)

BERKELEY, c. 1235-6. *Item, concessi eisdem maeremium quod levare feci in novo foro de Berclaio, pro duabus marcis argenti, ad edificandum vel removendum, sicut illis placuerit.*

(I have also granted to them for two marks of silver the timber which I have caused to be piled in the new market (place) of Berkeley, for building or carrying away, as it shall please them.)

NEWPORT (Kemmes), c. 1241. *Et aesiammentum de bosco ad domos et edificia sua et ad ignem per visum forestarii.*

(And their easement of wood for their houses and buildings, and for their fire, under the supervision of my forester.)

POOLE, c. 1248. *Et necessaria ad focum suum in brueriis et turbariis meis per visum ballivorum meorum.*

(And what is necessary for their hearths in my heaths and turbaries under the supervision of my bailiffs.)

CLOYNE, 1249-64. *Insuper idem Daniel pro me et successoribus meis dictis civibus et eorum heredibus concessi hesiam in turbario de Clone ex parte australi ad ignem suam et proprium focum suum quantum eis sine dampno ecclesiae sufficere possit, competenter dictis vero civibus necnon et eorum heredibus.*

(Moreover I the said Daniel have granted, for myself and my successors to the said citizens and their heirs, easement in the turbary of Cloyne on the southern side for their own fires and hearths as much as will reasonably suffice to the said citizens and their heirs without loss to our church.)

MORPETH, 1239-66 (c). *Et concessi eisdem et heredibus eorum quod quando eis turbam vendere voluero in turbariis meis de Morpath et quantum eis vendere voluero singulas cariatas turbarum pro singulis denariis.*

(And I have granted them that whenever I wish to sell them turves from my turbaries of Morpeth, and however much I wish to sell them, they shall pay one penny for each cart-load of turves.)

WARTON, 1246-71. *Et capient de bosco in communi de Warton estoueria sua per visum forestarii mei ad edificandum. Et de mortuo bosco ad arduendum et spinis ad arduendum, salvis mihi corulo, glandia¹, nucibus et pannagio per totum boscum dicte ville de Warton.*

¹ Glandie, MS. The emendation is Miss Bateson's, but the original reading may have been glande.

(And they shall take their estovers from the woods in the common of Warton for building under the supervision of my forester. And they shall take of the dead wood and of the thorns for burning, saving to me the hazel and the mast and the nuts and the pannage throughout the whole of the wood of the said town of Warton.)

KINVER, c. 1260-1300. Et quod habeant in brusca nostra et felgera extra predictum boscum per totum annum ad ardendum et ad comburendum in burgagiis suis propriis sufficienter ad panem coquendam et cervisiam bruendam, excepta bruera et felgera ad vendendum¹.

(And that they may have in my brushwood and fern outside the aforesaid wood for burning in their own burgages sufficient for baking bread and brewing beer, excepting brushwood and fern for sale.)

NEWPORT (Kemmes), 1273-81. Preterea concessi eisdem burgensibus meis et eorum heredibus et assignatis colligere filicem per totum dominium meum, videlicet, apud Birie, apud Ryvgyan et Makmareis, extra blada mea, in tempore aestatis et in autumpno.

(Moreover I have granted to my burgesses their heirs and assigns that they may collect fern through all my demesne, namely, at Birie, at Ryvgyan and at Makmareis, outside my corn, in time of summer and of autumn.)

LAUGHARNE, 1278-82. Concessimus etiam eisdem liberam communam in tota silva nostra boreali videlicet in tota foresta de Coydebech....

Item, concessimus eisdem unam acram more in longitudine et latitudine ad fodiendum glebas ubi convenienter eligere voluerint in turbariis juxta Passenant his lake.

(We have also granted them free common in all our northern wood to wit in the whole forest of Coydebech....)

Item, we have also granted to them one acre of moor for digging turves, wherever they may choose it most conveniently near Passenant's lake.)

PLYMPTON, 1262-85. Et communam in turbaria de mora nostra versus Dertemore ad omnia necessaria focalis singulis domibus dicti burgi.

(And common in the turbary of our moor towards Dartmoor for all necessities of fuel for each house in the said borough.)

BAKEWELL, 1286. Et quod licite valeant fodere turbas et bruera euellere infra moras et turbarias ad dictam villam spectantes, ad sustentacionem familie sue et domuum suarum infra feodum predictum, absque aliquo impedimento seu calumpnia aliqua.

(And that they may lawfully dig turves and pluck up heather within the moors and turbaries belonging to the said town, for the needs of their household and their houses within the said fee without any hindrance or claim (against them).)

¹ The printed text of this clause is very corrupt. I have ventured on several emendations. (B.)

CARMARTHEN, 1285. Cum Walenses de Elued &c. in penultima guerra Wallie contra nos et pacem nostram existentes et inimicis et rebellibus nostris adherentes, saniori postmodum ducti consilio, ad pacem nostram venissent et se et sua voluntati nostre totaliter submisissent ac nos tunc ad meliorationem ville nostre de Kermerdyn et ad securitatem et tuitionem partium adjacentium concessimus burgensibus nostris et omnibus aliis cujuscunque conditionis fuerint de predicta villa nostra de Kermerdyn et Veteri Kermerdyn quod in boscis nostris de Mahathan et omnibus aliis boscis dictorum Wallensium tunc tanquam nobis forisfactis in manu nostra existentibus in quibus propter eorum densitatem depredationes et homicidia frequenter perpetrabantur liberam habeant communam. Ita quod in eis subboscum, quercus ad maeremium et alias arbores succidere et asportare possent, et ipsos burgenses per breve nostrum dilectis et fidelibus nostris Willelmo de Valencia avunculo nostro et Pagano de Cadurcis, tempore illo locum nostrum in partibus illis tenentibus, directum in seisinam commune predictae poni fecissimus, Nos factum nostrum predictum ratum et gratum habentes volumus et concedimus...quod predicti burgenses et omnes alii de villis predictis et heredes et successores sui participent et habeant predictam communam in boscis predictis. Ita quod subboscum, quercus ad maeremium et alias arbores in eis succidere et asportare possint pro voluntate sua absque occasione vel impedimento nostri et heredum nostrorum, justiciariorum, vicecomitum ballivorum seu ministrorum nostrorum quorumcunque imperpetuum.

(Whereas the Welshmen of Elvet and other places in the late war in Wales were against us and our peace and adhered to our enemies and rebels but afterwards, led by wiser counsels, came in to our peace, and submitted themselves and their property entirely to our will, and we then for the improvement of our town of Carmarthen and for the security and protection of the neighbouring country, granted to our burgesses and all others, of whatsoever condition they were, of our said town of Carmarthen and Old Carmarthen that they should have free common in our woods of Mahathan and all other woods of the said Welshmen then as having been forfeited to us being in our hands in which on account of their thickness there were frequent robberies and homicides, so that they could cut and carry away the underwood and oaks for timber and other trees, and whereas we caused the said burgesses to be placed in seisin of the said common by our writ directed to our beloved and loyal William of Valence our uncle and Pain of Sourches (Chaourches) who at that time were our lieutenants in those parts, We considering our aforesaid deed to be valid and pleasing to us, do will and grant that the aforesaid burgesses and all others of the aforesaid towns and their heirs and successors shall share and have the aforesaid common in the aforesaid woods. So that they can cut and carry away the underwood and the oaks for timber and other trees at their own will without let or hindrance on the part of ourselves and our heirs, our justices, sheriffs, bailiffs or ministers whomsoever for ever.)

ALTRINCHAM, c. 1290. Concessi etiam predictis burgensibus

meis housebold et haybold in omnibus boscis predictorum locorum, exceptis hayis et defensis boscis meis.

(I have also granted to my aforesaid burgesses housebote and haybote in all woods in the aforesaid places, except in my hays and fenced woods.)

KNUTSFORD, c. 1292. Cum housbold et haybold burgensibus de Knotisford in nemore de Knotisford et in turbaria, et cum housbold et haybold burgensibus de Boys, in nemore de Boys.

(With housebote and haybote for the burgesses of Knutsford in the wood of Knutsford, and in the turbary, and with housebote and haybote for the burgesses of Boys (*i.e.* Knutsford Booths or Over Knutsford) in the wood of Boys.)

DENBIGH, 1282-90. Et estre ceo nous avoms graunte pur nous et pour noz heysr qe noz burgeis avaunt ditz et lour heirs et lour assignez avaunt ditz eyent housbote et haybote en le boys quest appelle Cardelewenny, cest assavoir du chemin qui va de Denebieghe au pount Griffyn jusques a Eleway par vewe de noz forestiers....

Et nous voloms et grauntoms pur nous et pur noz heirs qe chescun Burgeis qui tient burgage en lavaunt dite ville de Dynebieghe dedenz les murs eyt ses porcs fraunks de paunage en lavaunt dit boys en temps de paunage, cest assavoir de la feste Seynt Michiel usque la feste seint Martin, et si pluis de porcs eyent, paent come les autres du pays fount.

Sauve a nous et a noz heirs notre forest, notre garenne et totes les choses que a foreste et a garenne apendent, et tote manere de oyseaux qui autres oyseaux pernent.

(And we have also granted for us and our heirs that our burgesses aforesaid and their heirs and assigns aforesaid shall have housebote and haybote in the wood which is called Coedelewenny, that is to say, from the road which goes from Denbigh to Pont Griffyn as far as Eleway, under the supervision of our foresters....)

And we will and grant for us and our heirs that every burgess who holds a burgage in the aforesaid town of Denbigh within the walls shall have his pigs quit of pannage in the aforesaid wood, that is to say, from Michaelmas to Martinmas, and if they have more pigs they shall pay as do the others of the country Saving to us and our heirs our forest and warren and all the things which pertain to the forest and warren, and all the birds that prey on other birds.)

CLITHEROE, 1272-91. Dedimus et concessimus dictis burgensibus nostris turbariam ad turbam capiendam et arendam infra limites de Bacshelfe sine vasto, dono vel venditione ad usus suos proprios, cum libero introitu et exitu sine impedimento nostri vel heredum nostrorum vel alicujus alterius per nos.

(We have also given and granted to our said burgesses turbary rights for taking turf for burning within the limits of Bashall¹, without waste, gift or

¹ Exchanged for a turbary on Pendle Hill in 1307 (Harland, *Ancient Charters of Clitheroe*, p. 14).

sale, for their own proper use, with free entrance and exit, without hindrance from us or our heirs or from any other person by our means.)

ABERAVON, 1288-1313. *Concessi etiam...predictis burgensibus et chenceribus meis de Avene et heredibus et assignatis libere, quiete, bene et in pace et sine aliqua calumpnia housbote et heybote in omnibus nemoribus hominum meorum de me tenencium.*

(I have also granted...to my burgesses and tensors of Avan and their heirs and assigns housebote and heybote in all the woods of my men holding of me, freely, quietly, peacefully.)

RHUDDLAN, 1295. *Quod ipsi et heredes sui habeant et percipiant imperpetuum rationabilia estoueria uidelicet husebote et haibote in boscis nostris de Lewenny et Baghegrek per uisum custodis seu custodum boscorum predictorum.*

(That they and their heirs shall have and take for ever reasonable estovers, that is housebote and haybote in our woods of Lleweny and Bach-y-graig by view of the keeper or keepers of those woods.)

SWANSEA, 1306. *Concedimus etiam eisdem rationabile estouerium in omnibus et singulis boscis nostris supra boscum existentibus excepto bosco de bosco de Predewen capiendum locis sibi magis expedientibus, uidelicet boscum emortuum ad ardendum et boscum quercinum ad edificia sua infra libertatem burgi nostri de Sweyn' edificanda et reparanda et naues ac nauiculas suas fabricandas et reparandas, per visum et liberacionem forestarii nostri, ita tamen quod si semel, secundo et tercio premunitus officium suum in liberando adimplere neglexerit aut noluerit, dum tamen commode inveniri possit, tunc demum ob defectum ipsius capiat quilibet de predictis que ad premissa sibi viderit necessaria. Reliquum vero nemus consimiliter habeant et quo voluerint capiant pro suis necessariis in forma memorata. Vendere autem seu dare cuilibet extraneo quicquam ex boscis predictis, exceptis hospitibus et itinerantibus in burgo nostro predicto superuenientibus pro tempore more sue, minime licebit eisdem, set sibi inuicem dando vel vendendo communicare possunt. Naues vero maiores si voluerint quatuor et infra simul continue et per successionem ex boscis predictis faciant et habeant set nauiculas, viginti dolia vini et infra portare valentes, quotquot facere voluerint libere de boscis prefatis concedimus eisdem, reddendo nobis et heredibus nostris pro qualibet naue seu nauicula de nouo fabricata duodecim denarios; dictas autem naues aut nauiculas dare aut vendere cuilibet extraneo non debent absque nostra vel senescalli nostri licencia et permissione speciali, exceptis casibus necessitatis cum in remotis partibus infortunium aliquod incurrerint vel ad inopiam vergerint nec aliunde habuerint unde paupertatem suam releuare possint, quo casu, si vicini emere recusauerint, vendant cuicumque voluerint. Nec liceat*

eisdem in dictis boscis [quicquid?] capere nisi de die et hoc in forma prefata.

(We grant them also the right to take their reasonable needs in all and singular our woods which are above the wood (*sic*), except wood from the wood of Predewen, in the places most convenient for them, to wit dead wood to burn and oak wood to build and repair their buildings within the liberty of our borough of Swansea and to build and repair their vessels, by the view and delivery of our forester, provided that if after three notices he neglects or refuses to fulfil his duty in delivering the wood, assuming he can be found without difficulty, then each on the ground of his omission may take from the aforesaid what shall seem to him needful for the above purposes. The rest of the wood too they may have similarly and take where they will for their needs in the form described. But they shall not be at liberty to sell or give anything from the aforesaid woods to any stranger, saving to guests and travellers coming to our aforesaid borough, for the duration of their stay. They can, however, share it with one another by sale or gift. Moreover, we freely grant that from the aforesaid woods they may, if they wish, build and have four or fewer large ships at the same time, continuously and in succession, but as many smaller ships, capable of carrying up to twenty tuns of wine, as they please, paying to us and our heirs for each larger or smaller ship new built twelve pence. They ought not, however, to give or sell the said ships, large or small, to any stranger without the license and special permission of us or our steward, saving in cases of need when in distant parts they shall have sustained some misfortune and be on the verge of want nor have any other source from which to relieve their poverty, in which case, if their neighbours refuse to buy, they may sell to whomsoever they please. No one shall take anything in the said woods except by daylight and this in the aforesaid form.)

SWANSEA, 1306. Volumus insuper et concedimus quod predicti burgenses nostri licite fodere possint et extrahere atque ad domos suas cariare turbas extra prata nostra inuentas ubi libet infra limites et bundas in carta eorum originali contentas, videlicet (bounds given), ita quod nulli vendant extraneo nisi in forma premissa de boscis.

(We will further and grant that our aforesaid burgesses may dig and take out and carry to their houses peat found outside our meadows wherever they please within the limits and bounds contained in their original charter, to wit (bounds given) provided they sell to no stranger except in the fashion already given for the woods.)

SWANSEA, 1306. Et quod habeant carbonem terreum in Byllywasta absque impedimento nostri vel heredum nostrorum seu ministrorum nostrorum quocumcunque et hoc ad omnia necessaria sua complenda, ita quod non vendant nisi in forma de boscis prescripta.

(And that they may have earth-coal in Byllywaste without hindrance from us or our heirs or of our officers; and this to satisfy all their needs, but they must not sell it save in the fashion prescribed for the woods.)

SWANSEA, 1306. Concedimus eciam quod singuli in burgo nostro prefato manentes qui burgenses non fuerint necessaria sua in turbariis

nostris eisdem burgensibus concessis habeant, ita tamen quod donacionem aut vendicionem aut wastum non faciant.

(We grant also that every inhabitant of our aforesaid borough who is not a burgess may have his necessities in the turbaries granted to our said burgesses, provided he does not give or sell or waste them.)

(b) RIGHT OF WAY

PLYMPTON, 1262-85. Et communam in semitis in bosco de Heawode et extra justis et consuetis, scilicet ad burgagia dicti burgi necessariis sine omni contradiccione.

(And common of the lawful and accustomed footpaths within and without the wood of Heawode, to wit, those necessary for the burgages of the said borough, without contradiction.)

(7) Grant of Pasture

ABBOTS BROMLEY, 1222. Preterea concedimus eis ut habeant liberam communam apud Bromlega in bosco et in plano de herbagio extra haias nostras, ita tamen quod non fuerit impedimento quin possimus conditionem nostram meliorare pro voluntate nostro in stagnis, vivariis, assartis, parcis, haiis, etc.

(Further we grant to them that they may have free common at Bromley in wood and in field of herbage outside our hays, provided it be no impediment to prevent us from improving our condition at our will in pools, fishponds, assarts, parks, hays, etc.)

ABBOTS BROMLEY, 1222. Salvo tamen¹ quod si aliquis burgensis porcos suos...in villa de Bromle habuerit et eos tempore pannagii in bosco nostro habuerit, dabit de illo pannagio secundum consuetudinem dictae villae de Bromle, si vero de novo emptos porcos aliquos vel aliunde perquisitos habuerit, dabit semper de decem porcis unum porcum; si minus vel magis x habuerit dabit pro quolibet porco unius anni unum denarium et pro quolibet porco dimidii anni unum obolum.

(Saving, however, that if any burgess shall have his swine...in the town of Bromley and shall have them in our wood at pannage time, he shall pay for that pannage according to the custom of the town of Bromley, if, however, he shall have any swine newly bought or acquired from elsewhere, he shall always give one of ten swine; if he have less or more than ten, he shall give *1d.* for each pig one year old and $\frac{1}{2}d.$ for each pig six months old.)

HELMSLEY, c. 1186-1227. Concedo...in pastura mea tam in campis quam in moris [et] in bosco ubique, excepto parco meo.

(I grant them (rights) in my pasture, both in fields and moors and wood everywhere, except my park.)

¹ This salvo follows a grant of the liberties of Lichfield (I 8).

BARNARD CASTLE, 1215-29¹. Sciatis me dedisse, concessisse et hac presenti carta confirmasse omnibus burgensibus meis Castri Bernardi et omnibus tenentibus suis manentibus in eadem villa communem pasturam in bosco meo de Marwood ad omnia averia sua sine agistamento vel panagio. Item concedo eisdem et tenentibus suis quod possint fugare pecora sua in Hermyre pro voluntate sua.

(Know ye that I have given granted and by this my present charter confirmed to all my burgesses of Barnard Castle and all their tenants dwelling in the same town common pasture in my wood of Marwood for all their beasts free from agistment or pannage. Also, I grant to them and their tenants that they may drive their herds in Hermyre according to their will.)

CASHEL, 1230. Necnon etiam dedimus...eisdem preposito et burgensibus qui nunc sunt et qui pro tempore fuerint imperpetuum pro omnibus et singulis animalibus suis et suorum tenencium quoruncunque et omnium in dicta villa et burgageria ejusdem habitancium et moram trahencium liberam pasturam in omnibus terris nostris, exceptis pratis, segetibus et maneriis.

(We have also given...to the same provost and burgesses for the time being for ever, free pasture in all our lands, except meadows, crops and manors, for all and singular their animals and the animals of their tenants whosoever and of all dwelling and sojourning in the same town or its burgages.)

SALFORD, c. 1230. Ipsi autem burgenses habebunt communam liberam pasturam in bosco, in plano, in pasturis omnibus pertinentibus ville Salfordie. Et quieti erunt de pannagio in ipso bosco ville de Salford.

(Moreover the same burgesses shall have common of free pasture in wood, in field and in all pastures, pertaining to the town of Salford. And they shall be quit of pannage in the wood of the town of Salford.)

BOLTON, 1253.

Line 2. *For* in bosco, in plano, *read* in planis et pascuis et.

Omit pertinentibus.

3. *For* in...Salford *read* de propriis porcis infra metas de Bolton.

STOCKPORT, c. 1260.

Lines 1, 2. *For* communam liberam pasturam *read* communem pasturam et liberam.

Line 2. *After* plano *insert* in turbario, in bruario, in moris.

After pasturis *insert* et.

For pertinentibus *read* in communibus easiamentis.

3. *Omit* ipso.

4. *Add* pertinente.

MANCHESTER, 1301. Burgenses possunt nutrire porcos suos prope nutritos in boscis domini, exceptis forestis et parcis domini predicti, usque ad terminum pannagii. Et si velint ad predictum terminum

¹ Cf. vol. 1, p. 63. In another charter the grantor, Hugh de Balliol, gave all common pasture and all commons on the north and east of the town (Surtees, *Durham*, iv, 71).

decedere, liceat eis absque licentia domini. Et si velint moram facere ad terminum pannagii, de pannagio satisfaciant predicto domino.

(The burgesses may feed their pigs, which are nearly fattened, in the lord's woods, except the forests and parks of the aforesaid lord, until the time of pannage. And if they wish, they may depart at the aforesaid time without the lord's license. And if they wish to stay at the time of pannage, they shall satisfy the aforesaid lord for his pannage.)

LEICESTER, 1239. Notum sit uniuersitati uestre quod, cum Robertus comes quondam Leycestrie, predecessor meus, feofauerit per cartam suam burgenses Leycestrie in pastura que dicitur Kowheye jacente in Campo australi Leycestrie inter pasturam meam ex utraque parte; Noveritis me remississe relaxasse et omnino de me et heredibus meis imperpetuum quietum clamasse totum ius et clamium quod habui vel habere potui in prefata pastura liberis burgensibus meis Leycestrie qui sunt et pro tempore erunt, scilicet illis ad quos prefata pastura pertinere debet, ut et ipsi habeant et teneant prefatam pasturam cum pertinentiis de me et heredibus meis libere et quiete absque destruccione, faciendo inde annuatim mihi et heredibus meis vel successoribus meis pro singulis aueriis in prefata pastura agistatis uel agistandis tres denarios, sicut tempore predecessorum meorum dari consueverat. Pro hac autem remissione, relaxatione et quieta clamacione, dederunt mihi prefati burgenses mei unum pullum precii centum solidorum premanibus, ne et ego predictus Symon, nec heredes mei uel successores mei, nec aliquis pro nobis nec ex parte nostra, pecora nostra in prefata pastura agistare vel depascere valeamus: sed ab omni depastione et agistacione imperpetuum simus exclusi.

(Be it known to you all, that whereas Robert, formerly earl of Leicester, my predecessor, enfeofed by his charter the burgesses of Leicester in the pasture called Cowhay, lying in the south field of Leicester, between his pasture on each side, Now know ye that I have remised, released and entirely for myself and my heirs for ever quit-claimed all the right and claim which I have or could have in the aforesaid pasture to my free burgesses of Leicester, who now are and for the time being shall be, to wit, to those to whom the said pasture ought to belong so that they may have and hold the aforesaid pasture freely and quietly without any destruction, paying thence annually to me and my heirs or successors for every beast agisted or to be agisted in the aforesaid pasture three pence, as was wont to be paid in the times of my predecessors. For this remise, release and quitclaim the aforesaid burgesses have given me in hand one colt of the value of 100s., so that neither I the aforesaid Simon, nor my heirs or successors, nor anyone for us or on our part shall agist or depasture our herds on the aforesaid pasture, but that we shall be for ever excluded from all rights of pasture and agistment thereon.)

LEICESTER, 1231-9. (Remisi et relaxaui) et omnes insimul denarios qui capi¹ solebant de singulis peccoribus et aueriis in defenso

¹ MS. cepi.

Leycestrie pro escapura; ita tamen quod aueria illa uel pecora non teneantur in defenso illo de uarda facta uel de consuetudine¹.

(I have remised and released) also all those pence which were wont to be taken from all herds and cattle within the fence of Leicester for escape money, provided that those cattle or herds be not detained in the close for ward fee or custom.)

NEWPORT (Kemmes), c. 1241. Quod habeant communem pasturam in terra mea et communia in aqua a fossato qui claudit villam versus orientem usque ad mare.

(That they may have common pasture in my land and common in water from the ditch which encloses the vill towards the east as far as the sea.)

NEWPORT (Kemmes), 1273-81. Sciant presentes et futuri quod ego Nicholaus filius Willelmi Martin dominus de Kemeys dedi...burgensibus meis de Novo Burgo in Kemeys in commune totam terram meam humidam et siccam, moros et turbaria extra burgagia sua et intra, secundum has divisas subscriptas videlicet...(here follow boundaries)...salva mihi et heredibus meis sicca terra arabili in....Et salva predictis burgensibus et heredibus suis et assignatis tota pastura² in eadem terra dum non sit arata nec ferens bladum. Et ego concedo pro me et heredibus meis et assignatis quod illa terra non vendatur neque detur alicui homini forinseco nisi burgensibus meis de Novo Burgo...(here follow other boundaries)....

(Know all men, present and future, that I Nicholas son of William Martin lord of Kemmes, have given to my burgesses of Newport in Kemmes in common all my land wet and dry without their burgages and within according to these boundaries, to wit...saving to me and my heirs my dry arable land in...(two places)....And, saving to the aforesaid burgesses and their heirs and assigns the whole pasture in the same land so long as it is not ploughed nor bearing corn. And I grant for me and my heirs that that land shall not be sold nor given to any foreigner but only to my burgesses of Newport....)

BERKELEY, c. 1235-6. Notum sit omnibus hoc presens scriptum visuris vel audituris quod ego Thomas dominus de Berclaio concessi burgensibus meis de Berclaio communem pasturam suam extra Berclaio (*sic*) quam de jure³ habere solebant et debent.

(Be it known to all who shall see or hear this present writing that I Thomas, lord of Berkeley, have granted to my burgesses of Berkeley their common pasture outside Berkeley which they were wont to have by right, and which they ought to have.)

SALTASH, before 1246. Et quod habeant pasturam meam illis continuam, quietam a festo S. Michaelis usque ad Purificacionem Beatae Mariae. Si quis vero illorum predictam pasturam deinde exercere voluerit

¹ See vol. 1, p. 94. Miss Bateson (*Records of Leicester*, I, xxi) explains this as meaning that the earl would not use cattle found in his close as a means of distraining for other services.

² totam pasturam, MS. ³ Mr Ballard read "de me." See critical note, p. xxxvii.

det pro quolibet equo vel animali unum denarium et pro decem bidentibus unum denarium, Salvis bladis et pratis et rationabilibus defensis meis.

(And that they have my pasture free, continuously from Michaelmas to the Purification of the Blessed Mary. If however any of them wishes to use the aforesaid pasture after that time, he shall pay for a horse or ox one penny, and for ten sheep one penny, Saving my cornfields and meadows and my reasonable fenced pastures.)

KELLS (Kilkenny), *before* 1247. Sciant presentes et futuri quod ego Johannes filius Galfridi dedi...burgensibus meis de Kenlis communionem in boscis meis et silvis, in herbis et herbagiis, in omnibus pascuis et pasturis, omnibus averiis eorum et in omnibus aliis necessariis eorum agendis, videlicet...(here follow boundaries)...sicut perambulata et assignata est eisdem burgensibus meis, Tenendam et habendam sibi et heredibus suis de me et heredibus meis libere...hereditarie et imperpetuum in viis et semitis, in moris et mariscis et aquis, in omnibus libertatibus et liberis consuetudinibus eisdem burgensibus meis pertinentibus.

(Know all men present and future that I John fitz Geoffrey have given...to my burgesses of Kells common in my groves and woods, in grass and herbage, in all pastures, for all their beasts of burden and in performing all their other necessities, to wit...(here follow boundaries)...as the same was perambulated and assigned to my same burgesses, To have and to hold to them and their heirs of me and my heirs freely...in inheritance and for ever, in ways and paths, in moors and marshes and waters, in all liberties and free customs to my same burgesses pertaining.)

POOLE, *c.* 1248. Volo eciam...quod dicti burgenses habeant bene et pacifice animalia sua queta de herbagio in brueria mea sicut semper consueverunt.

(I will also that the said burgesses shall well and peacefully have their animals in my heath quit of herbage, as they were always wont to have them.)

GAINSBOROUGH, *before* 1250. I have, moreover, granted that every one of them may have one sowe with her farrowe of pigs, and one cowe with her calfe, or one meere with her foal, until they be over-yearred, depasturinge in my common pasture called Sumergangs and competent comon, and their draught cattel in Prieste Carre.

UTTOXETER, 1252. But so as the said burgesses and all within their commonalty being, have common and herbage within the ward of Uttoxeshather, where the men of the said town have been wont formerly to outcommon without our hindrance, so as it may be lawful for us and our heirs to make our profit of all other lands and tenements, meadows, pastures, woods, marshes, moors, and in all other places within the aforesaid town and ward, without contradiction of the said burgesses or their heirs.

ALNWICK, 1226-53. Et etiam communem pasturam de Haydene et in mora de Haydene descendendo et ascendendo per Coliergate¹, adeo libere, quiete et pacifice in omnibus sicut carta domini Willelmi de Vesci avi mei quam inde habent testatur.

(And also common pasture of Hayden and in the moor of Hayden, going and returning by Colliergate, as freely peacefully and quietly in all things as the charter of William of Vesci, my grandfather, which they have to that effect, bears witness.)

ALNWICK, 1290. Cum communia in Haydene et cum omnibus aysiamentis in Haydenemore in mariscis, pascuis et pasturis, petariis, turbariis et brueriis cum omnibus aliis pertinentiis suis, libertatibus et aysiamentis quibus uti solebant temporibus antecessorum nostrorum tam in mense vetito quam extra.

Et sciendum est quod iidem burgenses et heredes sui pro libertate habenda in Hayden in mense vetito cum suis animalibus dabunt nobis et heredibus nostris annuatim duos solidos, medietatem ad festum Sancti Martini et alteram medietatem ad Pentecosten imperpetuum.

(Together with common in Hayden and with all easements in Hayden moor in marshes, pastures, peat-mosses, turbaries, and heaths with all other their appurtenances, liberties and easements which they were wont to use in the times of our ancestors both in the fence month and at other times.

And be it known, that the said burgesses and their heirs, for having liberty in Hayden with their cattle in the fence month, shall pay to us and our heirs two shillings, one moiety at Martinmas and the other moiety at Whitsuntide.)

WOTTON-UNDER-EDGE, 1253. And that every of them should have free entry of pasturage with a hors and a cowe into the three fields of the said manor after Michaelmas day.

RATHCOOL, 1228-56 (a). Noveritis nos...concessisse burgensibus nostris de Radcull communam in monte de Slescoll unacum hominibus nostris de Nova Villa tam in turbariis quam in pasturis sicut Gilleholmoc cum aliis probis hominibus eam tempore Johannis bone memorie quondam Dublin' Archiepiscopi² predecessoris nostri deambulavit... (here follow boundaries)...Retenta tamen ipsis de Nova Villa propria pastura sua quae jacet inter...(here follow boundaries)...Et si forte dominicum terre nostre de Radcull in manu nostra ceperimus, communicabimus cum eis in dicta pastura et turbaria quantum ad dominicum nostrum pertinebit, Tenendam et habendam de nobis et successoribus nostris sibi et heredibus suis libere...per quatuor solidos argenti nobis et successoribus nostris annuatim reddendis ad duos terminos anni, medietatem ad festum Sancti Michaelis et medietatem ad Pascha, pro omni servicio, exaccione et demanda.

¹ The words "descendendo...Coliergate" are an addition to the charter of William de Vescy I (vol. I, p. 58).

² 1181-1212.

(Know ye that we have granted to our burgesses of Rathcool common in the mountain of Slescoll along with our men of the New Town both in turbary and in pasture, as Gilleholmoc with other upright men walked its boundaries in the time of John, once archbishop of Dublin, of blessed memory, our predecessor....Retaining however to the same men of the New Town their own pasture which lies between Grieshow and the New Town. And if by chance we take the demesne of our land of Rathcool into our own hand, we shall common with them in the said pasture and turbary as far as shall pertain to our demesne, To be had and holden of us and our successors to them and their heirs freely...by four silver shillings to be paid to us and our successors yearly at the two terms of the year, one moiety at Michaelmas and the other moiety at Easter, for all service, exaction and demand.)

DUNSTER, 1254-7. Quod dicti burgenses et eorum heredes habeant super Crowedon communiam sine aliqua calumpnia vel impedimento quale ad opus suum meliorem tempore alicuius predecessorum habere consueverunt.

(That our said burgesses and their heirs may have common on Croydon without any adverse claim or hindrance, such as they were best wont to have for their own use in the time of any of my predecessors.)

MACCLESFIELD, 1261. Et quod habeant pasturam et husebot et haybot in foresta nostra sicut habere consueverunt, salvo nobis pannagio nostro cum pessona fuerit.

(And that they shall have pasture and housebote and haybote in our forest as they were wont to have it, saving to us our pannage when it shall be the time of mast.)

CHRISTCHURCH, 1245-62. Et etiam...concessi...meis liberis burgensibus et eorum heredibus sive successoribus annuatim communam pasture in pratis meis de Stokemedede, Beremedede et Barnardsmedede, postquam fenum meum levatum fuerit et cariatum ab eisdem pratis, absque omni calumpnia et impedimento mei vel ballivorum meorum, heredum et assignatorum meorum vel alicujus nostrorum, quam communam pasturam in dictis pratis temporibus patris mei et aliorum predecessorum meorum antiquitus habere consueverunt, Reddendo inde mihi et heredibus meis vel assignatis triginta solidos sterlingorum ad quattuor anni terminos, videlicet ad Natale Domini septem solidos et sex denarios, ad Pasche, septem solidos et sex denarios, ad Nativitatem Sancti Johannis Baptiste septem solidos et sex denarios et ad festum Sancti Michaelis septem solidos et sex denarios.

(And also I have given to my free burgesses and their heirs or successors every year common of pasture in my meadows known as Stokemead, Beremead and Barnard's mead, after my hay has been carried from the said meadows, without any claim and hindrance from me or my bailiffs, of my heirs and assigns or of any of us, which common of pasture in the said meadows they were wont to have in the times of my father and my other predecessors, Rendering thence to me and my heirs or assigns, 30s. sterling at the four terms of the year, to wit, at Christmas 7s. 6d., at Easter 7s. 6d., at Midsummer 7s. 6d., and at Michaelmas 7s. 6d.

AGARDSLEY, 1263. Quod habeant communem pasturam in toto foresto meo cum averiis, 'exceptis haiis meis tunc clausis'¹, et dabunt pro quolibet bovo (*sic*) 1*d.* et pro quolibet vacca 1*d.* et pro quolibet equo salvagio 1*d.* annuatim, scilicet ad festum S. Michaelis.

(That they shall have common of pasture for their cattle in the whole of my forest, except my hays then enclosed, and shall pay for each ox 1*d.*, for every cow 1*d.*, and for every unbroken horse 1*d.* yearly, to wit at Michaelmas.)

AGARDSLEY, 1263. Quod habeant omnes porcos suos in burgagiis suis nutritos de pannagio annuatim quietos in toto foresto meo preter in 'haiis meis nunc clausis'¹. Et quod habeant housebote et haybote de omnibus lignis et per visum forestariorum meorum.

(That they may have all their pigs fed in their burgages quit of the annual pannage in the whole of my forest, except in my hays already enclosed.

And that they may have housebote and haybote of all kinds of timber and under the supervision of my foresters.)

MORPETH, 1239-66 (*a*). Concessi eciam eisdem burgensibus et heredibus eorum solitas communas pasture et aisiamenta consueta, cum libero exitu et introitu ad eandem villam de Morpeth pertinentia, exceptis bladis et pratis. Concessi insuper sepedictis burgensibus et heredibus eorum communam in stipulis meis eiusdem manerii mei de Morpeth, scilicet (here follow boundaries). Ita tamen quod herbagium earundem stipularum reservetur ad opus meum et heredum meorum per quindecim dies postquam bladum meum fuerit cariatum.

(I have granted also to the said burgesses and their heirs the accustomed commons of pasture and the wonted easements, with free departure and entrance, belonging to the said town of Morpeth, except cornfields and meadows. I have granted moreover to the oftmentioned burgesses and their heirs common in my stubbles of my said manor of Morpeth to wit....So that, however, the herbage of the said stubbles be reserved to me for fifteen days after my corn has been carried.)

MORPETH, 1239-66 (*c*). Et si contingat quod averia eorundem burgensium capiantur in defensis meis, pro quolibet averio dabunt unum obolum et pro quolibet equo unum obolum et pro quinque ovibus unum obolum per tres vices tam infra quam extra boscum, et ad quartam vicem pro singulis dictorum averiorum captis infra boscum dabunt octo denarios et extra boscum quattuor denarios, et postea iterum incipiendo pro singulis averiorum obolum per tres vices ut predictum est. Et si averia eorum capiantur in bladis vel in pratis faciant emendas secundum tempus anni....Et sciendum quod bene licebit mihi et heredibus meis facere edificia nostra ubicunque voluerimus in culturis nostris in quibus eis concessimus communia sine impedimento vel contradicione dictorum burgensium vel heredum eorum imperpetuum.

¹⁻¹ exceptis (preter in) haias meas tunc clausas, MS.

(And if it happen that the cattle of the said burgesses are found in my enclosures, they shall pay for each beast one halfpenny and for each horse one halfpenny and for five sheep one halfpenny for three offences both within and without the wood, and at the fourth offence they shall pay eight pence for each beast taken within the wood and fourpence without the wood; and afterwards they shall begin again with a halfpenny for each animal for three offences as is aforesaid. And if their beasts are taken in the corn or the meadows they shall make amends according to the time of the year....And be it known that it shall be lawful for me and my heirs to build wherever we please on our cultivated lands in which we have granted them commons without any hindrance from the said burgesses or their heirs for ever.)

BARNARD CASTLE, 1229-68. Noverit universitas vestra nos dedisse, concessisse et hac presenti carta nostra confirmasse burgensibus nostris de Castro Bernardi, et libere tenentibus in eodem burgo manentibus et ad illud spectantibus, quendam communem pasturam in Marewode per has divisas...in escambium de Standulanbank et de Waterschawe et de Pottes quas in parco nostro inclusimus et etiam in escambium terrarum quas dominus Henricus Spring et Robertus Gretheved tenent de nobis ad dumum de Hus, quas quidem pasturas et terras dicti burgenses et liberi tenentes reddiderunt, remiserunt et quietum clamaverunt nobis et heredibus nostris pro se et heredibus suis, habendam et tenendam dictis burgensibus libere tenentibus et eorum heredibus de nobis et heredibus nostris in feodo et hereditate, libere, quiete et integre in omnibus, sicut tenent aliam communem pasturam de nobis. Excepto quod non possunt secare in bosco quod est infra divisas predictas neque siccum neque viride, nec in turbario fodere nec etiam in mora que est infra easdem divisas flachts facere.

(Be it known to you that we have given, granted and...confirmed to our burgesses of Barnard Castle, and to the free tenants dwelling in the same borough and to it belonging, a certain common pasture in Marewood within these boundaries...in exchange for Standulanbank and Watershaw and Pottes, which we have enclosed in our Park, and also in exchange for the lands which the lord Henry Spring and Robert Greathead hold of us at the copse of Hus, which pastures and lands the said burgesses and free tenants have surrendered, remised and quitclaimed for themselves and their heirs to us and our heirs, to have and to hold (the same common pasture) to the said burgesses, free tenants and their heirs in fee and heredit, freely, quietly and completely in all things as they hold the other common pasture of us, except that they may not cut either dry or green timber in the wood within the said boundaries, nor dig in the turbar, nor lastly make holes in the moor within the same boundaries.)

BARNARD CASTLE, 1271-8. Concessi etiam eisdem communem pasturam in Marewode per illas divisas que in carta patris mei Johannis de Balliolo quam habent plenius exprimuntur, illis et heredibus suis, habendam et tenendam de me et heredibus meis libere et quiete et integre in viis, in semitis, in moris, in mariscis, in turbariis, in petariis,

in planis, in pascuis, introitibus et exitibus, et omnibus communibus et libertatibus et aisiamentis ad villam de Castro Bernardi pertinentibus, infra villam et extra sine aliquo retinemento. Excepto quod ipsi burgenses et heredes eorum non capient de bosco de Withners nec de Hanteslawe nec de Birlancker nisi per voluntatem meam vel heredum meorum.

(I have also granted them common pasture in Marewood within those boundaries which are more fully expressed in the charter of my father John of Balliol which they have, to have and to hold to them and their heirs of me and my heirs freely and quietly and completely in ways, in paths, in moors, in marshes, in turbaries, in peat-mosses, in fields, in pastures, in entrances and exits, and all commons and liberties and easements pertaining to the town of Barnard Castle within and without the town without any reservation. Except that the same burgesses and their heirs may not take of the wood of Withners nor Hanteslawe nor Birlancker without my permission or that of my heirs.)

WARTON, 1246-71. Quod possint habere communam cum catallis suis ex orientali parte dicte ville post blada et prata asportata, exceptis bladis seminatis et pratis quando defendi debent. Et ex occidentali parte dicte ville cum eisdem catallis, exceptis porcis, a festo S. Martini in yeme usque ad Purificationem beate Marie.

(That they may have common with their cattle on the eastern side of the said town after the corn and the meadow hay are carried, except the seed corn and the meadows when they ought to be fenced. And on the western side of the said town, with the same cattle except pigs, from Martinmas in winter to the Purification of the Blessed Mary.)

CONGLETON, 1272-c. 1274. Habeant etiam¹ communam pasture ad omnia animalia sua et pecora ubique in territorio de Congulton et de turbis et petis fodiendis, siccandis et capiendis ubique in turbario de Congulton et quod sint quieti de pannagio quotquot porcos habuerint infra bundas de Congulton.

(They shall also have common of pasture for all their animals and herds everywhere in the territory of Congleton, and of digging, drying and taking turves and peats everywhere in the turbarry of Congleton, and they shall be quit of pannage, however many pigs they may have within the bounds of Congleton.)

KINVER, c. 1260-1300. Quod habeant communem pasturam in bosco nostro de Kynefare cum animalibus suis et porcis suis exceptis temporibus pannagii nostri.

(That they may have common pasture in our wood of Kinver for all their animals and pigs, except at the times of my pannage.)

WINDSOR, 1277. Et quod habeant porcos suos proprios de Pannagio qui dicitur Fentake quietos in burgo predicto.

(And that they shall have their own pigs in the aforesaid borough quit of the pannage called Fentake.)

¹ Corrected from "enim."

CHIPPING SODBURY, before 1281. Cest endenture tesmoyné lacord entre Jurdan Bissop de un p't et Thomas atte Hulla, Johan Whiteheued, Thomas atte Mulle, William Watership et touz les aultres bergeys de la vylle de Chepyngsobb'i de aultre p't, cest a savoyr, q' le avaundynt Jurdan ad graunte pur luy, etc. a les avaundynt Thomas, etc. et a touz les aultres bergeys de la vylle de C. q'ils ayount et tynent commune de pasture chescune de eaux ou un vasch a communer mon boys de Dewermesside et Forchwode en petite Sobb'i, com eaux et les terres tenaunz ount ew et usa la dyte commune a lour franctenements en la vylle avaundynt de temps dount memorye ne cou're. A avoyr etc., etc.

(This indenture witnesses the accord between Jordan Bishop of the one part and Thomas atte Hulla, John Whitehead, Thomas atte Mulle (Mill) and William Watership and all the other burgesses of the town of Chipping Sodbury of the other part, that is to wit, that the aforesaid Jordan has granted for himself, etc., to the aforesaid Thomas, etc., and to all the other burgesses of the town of C. that they shall have and hold common of pasture, each of them or a cow to common in my wood of Dymershed and Forchwode (? Norwood) in Little Sodbury, as they and the tenants of land have had and used the said common for their free tenements in the aforesaid town from time beyond which memory runs not. To have, etc., etc.)

LAUGHARNE, 1278-82. Et totam illam pasturam communem in marisco de Thalacarn que vocatur Menecors per metas et bundas sicut perambulata est. Et etiam totam liberam communam a rivulo que dicitur Makerellis....Concessimus etiam eisdem unam viam in latitudine sexdecim pedum ad agendum pecora sua de communi pastura supradicta juxta Passenant his lake usque ad aquam de Taff.

(And the whole of that common pasture in the marsh of Laugharne which is called Menecors, by the metes and bounds as it has been perambulated. And also all that free common from Mackerel's brook....We have also granted to them a way of 16 feet in width for driving their herds from the aforesaid common pasture near Passenant's lake as far as the water of Taff.)

LANARK, 1285. Concedimus insuper quod dicti burgenses nostri de Lanark adeo libere habeant et possideant omnia sua communia et communem pasturam suam in moris, petariis, mossis et marrescis et in omnibus aliis aisiamentis ad dictam villam de Lanark juste spectantibus sicut aliquo tempore dicti burgenses nostri vel aliquis antecessorum suorum per suas rectas divisas et metas hactenus juste habuerunt, possederunt et eisdem usi sunt usque ad hec tempora.

(We grant moreover that our said burgesses of Lanark shall have and possess their commons and common pasture in moors, peatpits, mosses and marshes, and in all other easements pertaining to the said town of Lanark as freely as at any time our said burgesses or any of their ancestors have hitherto justly had, possessed and used the same to the present time within their right bounds and metes.)

BAKEWELL, 1286. Quod habeant liberam communam pasture et incisionem et asportacionem feugere in omnibus dominicis terris meis, salua libera curia mea. Ita quod quamcito fenum fuerit de pratis meis a solo leuatum et bladum de campis asportatum, liceat eisdem una mecum cum pecoribus suis in dictas dominicas terras meas et prata ingredi et pecora sua libere depascere absque calumpnia vel impedimento aliquo, salua mihi et heredibus meis pastura de Aylwardholm a festo Purificacionis beate Marie usque ad festum sancti Petri ad Vincula et salua pastura cum feugera nemoris mei de Quickeshope a festo sancti Michaelis in mense Septembris usque ad festum sancti Martini proximo sequens.

(That they have free common of pasture and the right to cut and take away fern in all my demesne lands, saving my free court. So that as soon as the hay shall have been removed from my meadows and the corn carried from the fields, they may with me enter my said demesne lands and meadows with their flocks and pasture them there freely without any hindrance or claim, saving to me and my heirs the pasture of Aylwardholm from the feast of the Purification B. M. (2 Feb.) to the feast of St Peter at Chains (1 Aug.), and saving the pasture with the fern of my wood of Quickeshope from Michaelmas to the feast of St Martin next following.)

BAKEWELL, 1286. Et quod liceat eisdem habere tenentes suos pro voluntate sua infra libertatem ville antedictæ, et quod eorum tenentes habeant liberam communam in moris et aliis communibus pasturis et aquis, prout ipsi ordinauerint secundum quantitatem tenementorum suorum sine aduocatione seu recognicione aliqua mihi seu heredibus meis vel successoribus aliis seu assignatis quibuscunque facienda.

(And that the same may have their tenants at their will within the liberty of the said town, and that their tenants may have free common in moors and other common pastures and waters, as they shall themselves ordain in proportion to their tenements, without making any appeal or acknowledgement to me or my heirs or other successors or assigns whosoever.)

DENBIGH, 1282-90. Et estre ceo nous avoms graunte a les avaunt-ditz Burgeis et a lour heirs et a lour assignez avaunt-ditz la commune de pasture a lour propres bestes levauntz et couchauntz en meisme la ville de Dynebeighe, od fraunke entre et issue en lavaunt-dit boys issi qe eaux en temps vuerte communent od les autres fraunks hommes de Lewenny apres bledz et feyns emportez.

(And we have also granted to the aforesaid burgesses their heirs and assigns aforesaid common of pasture for their own beasts levant and couchant in the same town of Denbigh, and free entry and departure in the wood aforesaid, and also that they shall have common in open time with the other free men of Lewenny after the corn and hay have been carried.)

ALTRINCHAM, c. 1290. Concessi etiam predictis burgensibus meis communem pasturam, turbariam, bruariam infra limites de Done-

ham, Altringham et Tymperlegh, salvis mihi et heredibus meis approviammentis nostris et salvis mihi et heredibus meis claustrum de Sunderland ad voluntatem nostram sine contradictione aliquorum quodcumque illud claudere voluerimus: ita quod predicti burgenses mei habeant communem pasturam semper et ubique ad omnia animalia sua infra metas de Sunderland dummodo predictus locus de Sunderland non clausus fuerit, salvo mihi et heredibus nostris toto tempore personis in predicto Sunderland; ita quod eodem tempore predictum Sunderland in defensionem ad voluntatem nostram habere poterimus sine contradictione aliquorum; et cum clausum fuerit predictum Sunderland, predicti burgenses mei habeant communam suam usque ad hayam predicti Sunderland et non ultra. Volo etiam quod omnes burgenses mei qui porcos habuerint tempore personis in burgo meo vel infra festum beati Jacobi et tempus personis, dent rectum tackum¹ quando pasturant infra predictas communas, et alibi cum porcis suis ejusdem burgi tempore personis non ibunt.

(I have also granted to my burgesses aforesaid common pasture and turbarry and bruery (*i.e.* rights of cutting briers or brushwood) within the bounds of Dunham, Altringham and Timperley, saving to me and my heirs our approvals and saving to me and my heirs the right to enclose Sunderland at our will without contradiction by any whenever we wish to enclose it: so that my burgesses shall have common pasture always and everywhere within the bounds of Sunderland so long as the aforesaid place of Sunderland is unenclosed: saving to me and my heirs the whole time of mast in the aforesaid Sunderland; so that at that time we can have Sunderland fenced according to our will without contradiction by any: and when the aforesaid Sunderland shall be enclosed, my aforesaid burgesses shall have their common as far as the hedge of the aforesaid Sunderland, and no farther. I will also that all my burgesses who have pigs in the borough at the time of mast or between the feast of St James and the time of mast, shall pay the rightful tack when they pasture (these pigs) within the aforesaid commons, and shall not go elsewhere with their pigs of the said borough at the time of mast.)

OKEHAMPTON, 1291². (A dispute between Hugh de Courtenay and the burgesses as to pasture rights was settled by agreement) quod prefati prepositus et communitas pro se, etc., bona et curiali voluntate sua relaxarunt...dicto Hugoni...pasturam in toto bosco dicti Hugonis sitam in australi parte castri et burgi de Okehampton, ubique et omni tempore anni, et dictus Hugo bona, etc. (as above)...concessit iisdem preposito, etc. quod habeant communem pasturam ad...per totum was-tum suum inter (boundaries) per totum annum...et communem pasturam in communibus aliis suis per totum [terram?] dicti Hugonis de Okehampton a crastino sancti Michaelis usque ad medium mensis Maii

Insuper, quod quilibet burgensium predictae communitatis habeant

¹ *Sic* in *Orm. Chesh.* I, 536. For the payment see *Oxford Studies in Social and Legal History*, II, 73.

² A corrupt copy.

unam suem cum quatuor porcellis in bosco suo qui vocatur Hackwoods in boreali parte burgi pro tempore pannagii quietos de pannagio per totum boscum predictum, excepta parte illa bosci predicti quam tempore futuro dictus Hugo vel heredes sui duxerunt (*sic*) claudend[am]... cum clausa fu[er]it.

(That the aforesaid reeve and community for themselves, etc., of their own good will, released to the said Hugh...pasture in his whole wood situated to the south of the castle and borough of Okehampton, everywhere and at all times of the year, and the said Hugh...granted to the said reeve, etc., to have common pasture at...over all his waste between...all the year...and common pasture in their other commons in all his (land?) of Okehampton from the morrow of Michaelmas day to the middle of the month of May.

Further, each of the burgesses of the aforesaid community to have a sow with four pigs in his wood called Hackwoods to the north of the borough, for the time of pannage, quit of pannage throughout the wood, except the part which in future the said Hugh or his heirs shall decide to close...when it is closed.)

KNUTSFORD, c. 1292. Et turbariam et communem pasturam per terram utriusque¹ eorum de Boys et Knotisford omnibus animalibus suis infra metas de Knotisford et metas de Boys quantum prefata terra poterit sustinere in hieme et liberam communam in mora de Creswalleclef, sicut medietas aquae precucurrit, ad metendum et ad falcandum, salva venditione ejusdem herbagii....Et unusquisque eorum tertium meliorem porcum nomine pannagii pro porcis suis nutritis infra metas Willelmi que pingues sunt de persona ejusdem Willelmi.

(And turbary and common pasture throughout the land of each of them, of Booths² and of Knutsford, for all their animals within the bounds of Knutsford and the bounds of Booths, as much as the said land can support in winter, and free common in the moor of Cresswellscliff, as the watercourse divides it, for mowing and cutting, saving to me the sale of the herbage (*i.e.* the burgesses could not sell pasture rights).

And each of them shall give his third best pig as pannage for his pigs fattened within the boundaries of William (the lord) which are fattened by the mast of the said William.)

NEWPORT (Isle of Wight), 1262-93. Quod habeant communiam pasturae ad omnimoda animalia sua per totam pasturam in landis meis in Parkhorst extra boscum quietam de herbagio imperpetuum.

(That they shall have common of pasture for all manner of their cattle throughout the whole of my pastures in the heaths of Parkhurst outside the wood, quit of payment for herbage for ever.)

CHESTERFIELD, 1294. Et habebunt pasturam suam et communam suam.

(And they shall have their pasture and their common.)

TENBY, 1265-94. Similiter concessimus communam pecoribus eorundem super terras nostras et prata nostra in tenemento de Tenebia

¹ MS. utrique.

² Knutsford Booths or Over Knutsford.

post messionem segetum et feni colleccionem usque ad tempus defensionis, videlicet, usque ad purificationem Beate Marie.

(Likewise we have granted them common pasture for their herds over our arable lands and over our meadows in the fee of Tenby after the harvest of the crops and the gathering of the hay, until the fence time, to wit, the Purification of the Blessed Mary.)

KIRKHAM, 1296. Concessimus eciam quod dicti burgenses habeant omnia communia [et]¹ eysiamenta ad dictum manerium nostrum de Kyrkeham pertinentia. Ita quod homines² terras nostras ibidem tenentes aliquod...seu jac[turam] occasione eorum.

(We have also granted that the burgesses shall have all commons [and] easements pertaining to our manor of Kirkham. So that the men holding our lands there...by reason of them³.)

ABERAVON, 1288-1313. Et optinebunt communem pasturam libere, quiete bene et in pace in perpetuum in omnibus locis, silvis, pratis, pascuis, et pasturis tempore aperto super terram meam et etiam illam pasturam in latere de le Dinas (here follow boundaries)...in omni tempore anni. Et si contingat me aut heredes vel assignatos meos circa aliquam terram claustruram facere et dicta claustrura prostrata fuerit per bestias dictorum burgensium seu chencerium, tenentur eandem claustruram iterum construere. Et etiam habebunt communem pasturam in tempore aperto in omnibus boscis, pratis, pascuis et pasturis hominum meorum de me tenentium cujuscunque conditionis fueri[n]t.

(And they shall have common pasture freely...and for ever in all woods meadows and pastures in the open season on my land, and also that pasture on the side of the Dinas...at all times of the year. And if it shall happen that I or my heirs or assigns shall make an enclosure around any land, and the said fence shall be thrown down by the beasts of the said burgesses or tenses, they are bound to replace the same fence. And they shall also have common pasture in the open season in all the woods, meadows and pastures of the men holding of me, of whatsoever condition they may be.)

SWANSEA, 1306. Volumus similiter...quod sepedicti burgenses nostri prata de Crowewode et portmede libere et pacifice habeant et possideant sibi et heredibus suis inperpetuum per bundas et metas notas et terminatas, salua nobis et heredibus nostris porcione illa de portmede quam in presenti in dominico tenemus.

(We similarly will...that our oftenmentioned burgesses shall have and possess the meadows of Crowewode and Portmede freely and peaceably to them and their heirs for ever by the known and determined bounds and metes, saving to us and our heirs that part of Portmede which we hold at present in demesne.)

¹ Supplied from the seventeenth century translation.

² The MS. has "et" after "homines," but the translation does not support it.

³ The translation reads "shall not incur or sustain any loss or damage by means thereof."

(8) Grant of Fishery¹

DROGHEDA (Louth), 1229. Et quod habeant piscariam suam in aqua de Drogheda, sicut eam unquam melius habuerunt vel habere consueverunt temporibus predecessorum nostrorum, regum Angliae.

(And that they shall have their fishery in the water of Drogheda, as ever they best had it or were wont to have it in the times of our predecessors, kings of England.)

DROGHEDA (Meath), 1247.

BAKEWELL, 1286. Et quod omnes de libertate memorate ville libere et licite valeant pro voluntate sua piscari in aqua que dicitur Wye et in aliis aquis et riulis infra feodum meum.

(And that all of the liberty of the town mentioned may freely and lawfully fish at their pleasure in the river called Wye and in other rivers and brooks within my fee.)

(9) Liberty of Sale, etc.

[KILKENNY, 1202-10². Concessi etiam eis omnes conquestus suos donare, vendere vel invadiare, salvis servitiis quae inde debentur, preterquam viris religiosis absque assensu meo.

(I have also granted them that they may give, sell or mortgage the lands which they have acquired, saving the services thence due, except to men of religion, without my assent.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279. Line 2. *Omit* vendere (prob. scribal error).

ROSBERCON, 1289-95.

SALISBURY, 1225. Ita videlicet quod, presente ballivo nostro, liceat ipsis et heredibus suis tenementum suum dare, vendere vel obligare cui voluerint, preterquam ecclesie et domibus religiosis.

(So that they may, in the presence of our bailiff, give, sell or mortgage their tenement to whom they will, except to church or religious houses.)

LEEK, after 1224³. Et liceat cuilibet burgensi [burgagium suum] dare aut vendere cuicumque voluerit nisi religioni, salvo tolneio scilicet quattuor denarii, et salvo redditu meo, nisi forte aliquis propria voluntate domui nostro burgagium suum conferre voluerit.

(And every burgess may give or sell [his burgage] to whomsoever he will, except to religion, saving the toll, to wit four pence, and saving my rent, unless perchance he shall desire of his own free will to bestow his burgage on our house.)

¹ See also VI 5 (Ayr, 1236).

² Founded on the similar clause in the Wells charter (see vol. I, p. 65).

³ As in earl Ranulf of Chester's charter of 1208-17 (vol. I, p. 68) with the omission of "burgagium suum" and the addition "nisi forte...voluerit." The grantor is Richard abbot of Dieulacres.

SHERBORNE, 1227-8. Ita videlicet quod, presente ballivo nostro, liceat ipsis et heredibus suis burgagia sua dare, vendere vel obligare cuicunque voluerit preterquam ecclesiis, domibus religiosis et Judeis sub tali forma, scilicet quod quicunque aliquod burgagium dare voluerit hereditarie dabit nobis et successoribus pro relevio quantum idem burgagium reddit per annum.

(Provided that, in the presence of our bailiff, it shall be lawful for them and their heirs to give, sell or mortgage their burgages to whomsoever they will, except churches, religious houses and Jews, on condition that whoever shall wish to give any burgage in inheritance shall pay to us and our successors for a relief as much as the same burgage renders every year.)

SALFORD, c. 1230. Quicunque burgagium vendere voluerit extra religionem et a villa discedere dabit mihi *iiii*d. et libere ibit quocunque voluerit cum omnibus catallis suis.

(Whoever wishes to sell his burgage outside religion, and to depart from the town, shall pay me fourpence and freely go whither he will with all his chattels.)

BOLTON, 1253. Line 2. *After religionem add et Iudaismum.*

STOCKPORT, c. 1260. Line 1. *Omit extra religionem.*

MANCHESTER, 1301. Si necessitas inciderit quod aliquis vendat burgagium suum, ipse potest de vicino suo aliud burgagium recipere, et quilibet burgensis potest tradere burgagium suum vicinis suis per visum comburgensium¹.

Si burgensis vendat burgagium suum et velit a villa decedere, dabit Domino quatuor denarios et liber ibit ubicunque voluerit.

(If need arise that any one sell his burgage, he can receive another burgage from his neighbour, and any burgess can deliver his burgage to his neighbours under the supervision of his fellow burgesses.

If a burgess sell his burgage and wishes to depart from the town, he shall pay fourpence to his lord and go whither he will.)

CHARD, 1235. Ut quilibet infra easdem metas burgagium aliquod in presenti possidens, vel imposterum possessurus, liberam habeat commorandi et cum catallis suis recedendi necnon et revertendi licenciam domosque suas impignorandi et aliis quam Judaeis vendendi, plenamque habeant facultatem eas in quemcunque usum eis placuerit transferendi preterquam in domos religiosas vel ecclesias, quod non poterunt facere sine licentia nostra aut successorum nostrorum speciali.

(That whoever at the present time possesses any burgage within the said boundaries, or shall possess one in future, shall have free license to abide and to depart with his chattels and also to return and to mortgage his houses and to sell them to others than Jews, and they shall have full liberty of transferring them to any use they please except to religious houses and churches, which they cannot do without the special license of ourselves or our successors.)

¹ Cf. VII 2. For the rights of the kin in this group, see sect. 12.

WEYMOUTH, 1252. Et quod sic se habeant et teneant tam... quam in burgagiis et aliis tenementis suis in eadem villa dandis, vendendis, legandis vel assignandis cuicunque voluerunt, secundum predictarum villarum de Suthampton et Portesmue consuetudines, exceptis tantum ecclesiis et viris religiosis.

(And that they so govern themselves as well... as in giving, selling, devising or assigning their tenements in the same town to whomever they will, according to the customs of the aforesaid towns of Southampton and Portsmouth, excepting only churches and men of religion.)

MACCLESFIELD, 1261. Et quod illa dare, vendere vel invadiare possint quotienscunque et quibuscunque voluerint, nisi domibus religiosis, sicut consueverunt.

(And that they may give, sell or mortgage those [burgages] as often as they wish and to whomsoever they wish, as they were wont to do, except to houses of religion.)

CONGLETON, 1272—*c.* 1274. Et quod burgagia et terras suas predictas possint licite vendere, dare et invadiare vel qualitercunque voluerint alienare, salvis viris religiosis.

(And that their burgages and lands aforesaid they may lawfully sell, give and mortgage or in any way they wish alienate, except to men of religion.)

BURTON-ON-TRENT, 1273. Et quod possint dicta burgagia cum omnibus pertinenciis suis et omnibus libertatibus suis dare, vendere, assignare et legare cuicunque voluerint, exceptis omnibus viris religiosis aliis a domo nostra Burthon, et exceptis omnibus Judeis.

(And that they may give sell assign and devise the said burgages with all their appurtenances and with all their liberties to whomsoever they will, except to all men of religion other than our house of Burton and to all Jews.)

BAKEWELL, 1286. Concedo eciam eisdem quod liceat ipsis burgagia sua quandocunque et quibuscunque de libertate ville antedictae voluerint dare, legare, vendere vel assignare, non requisita licencia mei seu heredum meorum vel aliquorum successorum seu balliuorum meorum.

(I also grant to them that they may give, bequeath, sell or assign their burgages when they will and to whom they will of the liberty of the aforesaid town, without asking leave of me or of my heirs or of any successors or bailiffs of mine.)

ORMSKIRK, *c.* 1286. Item, liceat dictis burgensibus burgagia sua vendere, dare et assignare ubicunque et cuicumque voluerint, salvo nobis inde servicio debito et consueto.

(Further, the said burgesses may sell, give and assign their burgages wherever and to whomsoever they will, saving to us the due and accustomed service therefrom.)

ALTRINCHAM, c. 1290. Et quod singulus burgensis burgagium suum possit vendere, invadiare et dare vel in testamento assignare cuicunque vel quibuscunque voluerit, exceptis ministris domini regis et viris religiosis, sine contradictione alicujus vel aliquorum.

(And that each burgess may sell, mortgage or give his burgage or assign it by his will to any person or persons whomsoever he will, except to ministers of our lord the King, or to men of religion, without contradiction on the part of any person or persons whomsoever.)

KNUTSFORD, c. 1292. Et quod dicti burgenses de Knotisford et de Boys illam terram vendere quandocunque et cuicunque seu invadiare possint, salvo viro religioso et domino capitali ejusdem feodi.

(And that the said burgesses of Knutsford and of Booths may sell or mortgage that land whenever and to whomsoever they will, except to a man of religion, and to the chief lord of the fee.)

(10) Restraints on Sales¹

SALISBURY, 1227. Non autem licebit civibus predictis burgagia vel tenementa quae habent et habituri sint in eadem civitate ecclesiis vel viris religiosis dare vel vendere vel invadiare sine licentia et voluntate predicti episcopi et successorum.

(But it shall not be lawful for the citizens aforesaid to give, sell or mortgage their burgages and tenements which they have or shall have in the said city to churches or to men of religion without the license and consent of the aforesaid bishop and his successors.)

SCARBOROUGH, 1253 (b). Et quod nullum messuagium, burgagium, terra redditus aut aliqua possessio infra limites predicti burgi detur, vendatur, assignetur, legetur vel aliquo modo alienetur aliquibus viris religiosis sine assensu et voluntate communitatis eiusdem burgi.

(And that no messuage, burgage, land, rent or other possession within the limits of the aforesaid borough shall be given, sold, assigned, devised or in any way alienated to any men of religion without the assent and free will of the community of the said borough.)

BRIDGETOWN POMEROY, 1268. Et si contingat quod predicti burgenses et heredes sui aut assignati predictas terras et predicta burgagia alicui domui religionis seu viris religiosis quibuscunque vendere, legare vel assignare vel aliquo modo tradere voluerint, licebit mihi et heredibus meis aut assignatis predictas terras et predicta burgagia ingredi et predictos burgenses et heredes aut assignatos quoscunque expellere. Ita quod nec predicti burgenses nec aliquis pro ipsis de cetero aliquid iuris in predictis terris exigere poterit vel vendicare nec per ius ecclesiasticum nec civile. Et si contingat quod heredes mei in

¹ See also sections 9, 12, 15 (Chard, 1271-2) and II A 1 (Agardsley, 1263, Burton-on-Trent, 1286).

custodia fuerint et predicti burgenses vel aliquis pro ipsis predictas terras ante eorum legitimam etatem viris religiosis tradiderit, licebit eisdem heredibus predictas terras cum ad plenam etatem peruenerint in manus suas capere et viros religiosos, si quos predicti burgenses vel aliquis pro ipsis feofauerit, expellere. Et si idem viri religiosi aliquam seysinam de predictis terris ante eorum plenam etatem habuerint, pro nichilo reputetur. Et quod nullum breue alicuius acquisitionis eisdem viris religiosis ob causam predictae expulsionis poterit valere nec predictis heredibus nocere.

(And if it happen that the aforesaid burgesses and their heirs or assigns shall wish to sell, bequeath or assign or in any manner convey the aforesaid lands and burgages to any religious house or any religious men, it shall be lawful for me, my heirs or assigns to enter the aforesaid lands and the aforesaid burgages and expel the aforesaid burgesses and their heirs or assigns whomsoever, so that neither the aforesaid burgesses, nor any for them from henceforth shall exact or claim any right in the aforesaid lands, either by ecclesiastical nor civil right. And if it happen that my heirs should be in wardship and the aforesaid burgesses or any for them, before their lawful age, should convey to religious men, it shall be lawful to the same heirs, when they shall have come to full age, to take the aforesaid lands into their hands and expel the religious men, if the aforesaid burgesses or any for them have enfeoffed any thereof. And if the same religious men should have any seisin of the aforesaid lands before the full age of them (the heirs) it shall be accounted for nothing. And that no writ of any purchase shall be able to avail the same religious men on account of the aforesaid expulsion nor harm the said heirs.)

(12) Pre-emption by Kin¹

SALFORD, c. 1230. Quilibet burgensis burgagium suum potest dare, inignorare vel vendere cuicunque voluerit nisi heres illud emere voluerit: sed heres propinquior erit ad illud emendum, salvo servicio meo: ita tamen quod non vendatur in religione.

(Every burgess can give, mortgage or sell his burgage to whomsoever he will unless his heir wishes to buy it; but his heir will be preferred in its purchase saving my service; provided that it be not sold into religion.)

BOLTON, 1253.

Line 2. *After voluerit insert* exceptis viris religiosis et Iudaismo.

4. *Omit* ita...religione.

STOCKPORT, c. 1260.

Line 2. *Omit* nisi...voluerit, *and read* nisi dominis capitalibus, Judeis vel viris religiosis.

3. *For* servicio *read* jure.

Omit ita...religione.

MANCHESTER, 1301. Liceat cuilibet terram suam que non est de hereditate vendere vel dare, si necessitas inciderit, cuicunque voluerit,

¹ Section 11 in vol. I—Pre-emption by lord—is not represented in this period.

nisi heres eam emere voluerit: sed heres debet esse propinquior ad eam emendam.

Quilibet potest vendere de hereditate sua sive maius sive minus sive totum per consensum heredis sui. Et si forsitan heres noluerit, tamen, si necessitas inciderit, licebit ei vendere de hereditate sua, de quacunque etate heres fuerit.

(It shall be lawful for anyone to sell or give his land which is not of inheritance, if need be, to whomsoever he will, unless his heir wishes to buy it: but his heir should have the pre-emption.)

Any one can sell his land which is of inheritance whether the greater part or the less or the whole, with the consent of his heir. And even if his heir refuses his consent, if need be, he may sell the land of his inheritance, whatever the age of his heir may be.)

(13) Dues on Sales¹

CHESTERFIELD, 1294. Nullus extraneus intrabit burgagium nec habebit seisinam antequam mihi et heredibus meis vel ballivis nostris satisfecerit et burgensibus modo suo antiquo preterito.

(No stranger shall enter on a burgage nor have seisin before he has made satisfaction to me and my heirs or our bailiffs and to the burgesses in their ancient manner as in the past.)

(14) Limitation of Claims to Property

KILKENNY, 1223. (William Marshal II.) Noveritis nos concessisse burgensibus nostris de Kylkenny quod in pace habeant et teneant quicquid de burgagiis seu terris per tradicionem ballivorum nostrorum seu per empcionem sive aliquo justo modo sine alicujus reclamacione habuerunt et tenuerunt per unum annum integrum. Et si quis post dictum terminum voluerit reclamare de hujusmodi terris aut burgagiis habitis et possessis, ut predictum est, et petens poterit monstrare racionabiliter et sufficienter se habere majus jus inde quam ille qui tenet, tunc satisfaciat tenenti de racionabilibus expensis suis quas imposuerit in hujusmodi terris aut burgagiis et habeat id quod juste reclamaverit. Nolumus tamen quod pro hac concessione nostra aliqua mulier racionabilem dotem suam ipsam contingentem de hujusmodi terris aut burgagiis amittat.

(Know ye that we have granted to our burgesses of Kilkenny that they shall peaceably have and hold whatever burgages or lands they have possessed and held for one whole year through the delivery of our bailiffs or by purchase or in any other just mode without claim from any other person; and if after the said term any person wishes to claim any lands or burgages of this kind, so had and possessed as aforesaid, and the plaintiff can reasonably and sufficiently show that he has greater right thereto than the tenant, then he

¹ Cf. Leek, Sherborne and the Salford group, II A 9.

shall satisfy the tenant for his reasonable expenses which he had expended on the lands and burgages of this kind and shall have that which he justly claimed. But we will that by reason of this our grant, no woman shall lose her reasonable dower arising from lands and burgages of this kind.)

DROGHEDA (Louth), 1253. Et si aliquis tenuerit aliquod tenementum infra metas ejusdem burgi, de dono, empcione, vel hereditarie, per unum annum et unum diem sine calumpnia, et aliquis vendicans sibi jus in eodem tenemento exstiterit in partibus Hibernie, qui plene etatis fuerit et liber sui corporis, et non egrotans, et nullam calumpniam in eo fecerit infra terminum predictum, sed maliciose se substraxerit, amittat suam calumpniam inperpetuum.

(And if any hold any tenement within the bounds of the same borough, by gift, purchase or inheritance, for one year and one day without challenge, and any claiming for himself any right in the same tenement be in the parts of Ireland, being of full age and of free condition, and not sick, and make no claim to it within the aforesaid term, but maliciously hide himself, then he shall lose his claim for ever.)

(15) Liberty of Making Will¹

SALFORD, c. 1230. Burgensis si non habuerit heredem legare poterit burgagium suum et catalla sua cum moriatur, ubicunque ei placuerit, salvo tamen jure meo, scilicet quatuor denariis et salvo servicio ad ipsum burgagium pertinente: ita scilicet quod illud burgagium non alienetur in religione.

(A burgess, if he has no heir, may bequeath his burgage and chattels, when he dies, wherever it please him, saving however my right, to wit fourpence, and saving the service pertaining to the same burgage: so however that that burgage be not alienated into religion.)

BOLTON, 1253.

Line 1. *After* Burgensis *insert* quando moritur.

Omit legare.

2. *Omit* et catalla...end. *Read* pro voluntate sua aliis legare, exceptis viris religiosis et Judeis, salvis jure nostro et heredibus nostris.

STOCKPORT, c. 1260.

Line 2. *For* cum *read* si.

4. *Omit* illud burgagium.

5. *After* religione *add* vel Judaismo.

MANCHESTER, 1301.

Line 1. *After* heredem *insert* ipse.

2. *For* moriatur *read* moritur.

For ei *read* sibi.

3. *For* meo *read* Domini.

- 3-5. *Omit* scilicet quatuor denariis...religione.

¹ See also II A 9 (Bakewell, Altrincham, Weymouth), II A 10, 17 (Bridgetown Pomeroy).

CORK, 1242. Et etiam si dicti burgenses aut eorum aliquis infra terram et potestatem nostram testatus decesserit vel intestatus (*sic*), nos vel heredes nostri bona ipsorum confiscari non faciemus quin eorum heredes integre ipsa habeant¹.

(And also if the said burgesses or any of them shall die within our land and dominion testate or intestate, we or our heirs will not cause their goods to be confiscated, but their heirs shall have the whole of them.)

BATH, 1256 (a). Et etiam si dicti burgenses aut eorum aliqui infra terram et potestatem nostram testati decesserint vel intestati, nos vel heredes nostri bona ipsorum confiscari non faciemus, quin eorum heredes integre ipsa habeant, quatenus dicta catalla dictorum defunctorum fuisse constiterit, dumtamen de dictis heredibus noticia aut fides sufficienter habeatur.

(And also that if the said burgesses or any of them shall die within our land and realm testate or intestate, we or our heirs will not cause their goods to be confiscated, but their heirs shall have the same goods wholly, as far as it can be determined that the said chattels belonged to the said deceased, provided nevertheless that of the said heirs sufficient knowledge or proof can be had.)

BRISTOL, 1256.

HEREFORD, 1256 (b).

KINGSTON-ON-THAMES, 1256 (c).

MONMOUTH, 1256.

SHREWSBURY, 1256 (a).

GUILDFORD, 1257 (a).

OXFORD, 1257 (b).

CARMARTHEN, 1254-7.

LAUGHARNE, 1278-82.

CARDIGAN, 1284.

HAVERFORDWEST, 1291.

CONWAY, 1284. Line 1. *For si read quod.*

CARNARVON, 1284. As Conway.

CRICCIETH, 1284. Do. (but in line 1 *read si*).

HARLECH, 1284. Do.

BERE, 1284. Do.

FLINT, 1284. Do.

RHUDDLAN, 1284.

OVERTON, 1292. Do.

BEAUMARIS, 1296. Do.

CHESTER, 1300.

Line 1. *Omit infra...nostram.*

4. *After heredes insert executores aut amici sui propinquiore.*

5. *After heredibus insert executoribus vel amicis.*

¹ This is one of two clauses (for the other see IV B 5 (b)) which do not appear in the closely parallel charters of Waterford (1232) and Limerick (1292). They are not enrolled on the Charter Roll (*Calendar*, I, 266-7), but Mr C. G. Crump informs me that there are some signs that the enrolment was not always very carefully done at this period. The clauses are included in the copy printed in *Chartae Hiberniae*, p. 24, from Pat. Roll (Ireland) 13 Chas. II, p. 4, m. 28 d (T.). See Addenda.

NORTHAMPTON, 1257. Quod si aliqui eorum ubicunque in regno nostro testati vel intestati decesserint, heredes eorum bona ipsorum defunctorum plenarie habeant quatenus dicti heredes rationabiliter monstrare poterunt bona ipsa fuisse dictorum defunctorum.

(And if any of them die anywhere in our realm testate or intestate, their heirs shall fully have the goods of the deceased, so long as the heirs can reasonably show that those goods belonged to the said deceased.)

CHARD, 1271-2. Quod predicti burgenses possint burgagia sua cuicunque vel quibuscunque in testamento suo libere legare absque impedimento preterquam Judaeis vel domibus religiosis, Salvis nobis et successoribus nostris redditibus et servitiis debitis de eisdem.

(That the aforesaid burgesses may leave their burgages in their wills freely to whomsoever they will without any hindrance, except to Jews and religious houses, Saving to us and our successors the rents and services due for the same.)

NEWCASTLE-ON-TYNE, 1276. (Letters Patent.) Quod burgenses Novi Castri super Tynam possint legare terras et tenementa sua tanquam catalla cui voluerint¹.

(That the burgesses of Newcastle-on-Tyne may bequeath their lands and tenements like chattels to whom they will.)

NEW ROSS, c. 1279. Item, concessimus eisdem burgensibus quod possint conquestus suos et tenementa sua legare propinquiore parentibus suis.

(Further, we have granted to the said burgesses that they may bequeath their acquired lands and their tenements to their nearest relatives.)

HULL, 1299. Concedimus etiam quod predicti burgenses ac eorum heredes terras et tenementa sua que habent infra predictum burgum et habituri sunt imposterum in eorum ultima voluntate libere et absque impedimento nostri vel heredum seu ministrorum nostrorum quorumcunque legare possint quibuscunque voluerint.

(We also grant that the aforesaid burgesses and their heirs may devise their lands and tenements which they have or shall henceforth have within the borough aforesaid in their last will to whomsoever they will, freely and without any hindrance on the part of ourselves or our heirs or ministers whomsoever.)

"RAVENSEROD," 1299.

BERWICK-ON-TWEED, 1302.

(16) Intestate Succession². Primogeniture

LEICESTER, 1255. Noverit universitas vestra nos...ad instantiam et supplicationem burgensium ville nostre Leycestrie propter communem utilitatem et melioracionem status eiusdem ville que propter defectum

¹ For evidence that only purchased lands could be bequeathed see Hemmeon, *Burgage Tenure*, 139 n., and for "tanquam catalla," *ib.* p. 144 n.

² See also sect. 15.

heredum et debilitatem eorum jam multo tempore fere ad occasum declinavit et ruinam, communi assensu et voluntate omnium burgensium predicte ville nostre Leycestrie, concessisse et hac presenti carta nostra confirmasse quod omnes filii primogeniti de legitimo matrimonio in prenominata villa nostra Leycestrie et eius suburbio, post mortem patris eorum, hereditatem paternam et habitacionem pacifice, quiete et sine omni contradictione decetero habeant et possideant, et sint eis heredes decetero legitimi; ita quod filii ultimogeniti in dicta villa Leycestrie qui ante concessionem et confectionem huius carte nostre patribus vel antecessoribus eorum tanquam heredes in hereditate successerunt toto tempore vite sue pacifice, quiete et sine omni contradictione hereditatem et habitacionem habeant et possideant et quod filii eorum primogeniti secundum concessionem prenominatam in hereditatem decetero succedant¹.

(Be it known unto you that we...at the request and supplication of the burgesses of our town of Leicester for the common utility and improvement of the condition of the same town, which on account of the failure and weakness of heirs has for a long time past sunk almost to decay and ruin, by the common assent and will of all the burgesses of the town aforesaid, have granted and by this present charter confirmed, that all the firstborn sons born of legal marriage in the before named town of Leicester and its suburb, shall on the death of their father henceforth have and possess their paternal inheritance and dwelling peacefully, quietly and without any contradiction, and shall henceforth be their heirs: provided that the lastborn sons, who before the grant and making of this charter have succeeded their fathers or ancestors as heirs in the inheritance shall for the whole term of their life peacefully, quietly and without any contradiction have and possess the inheritance and dwelling, and that their firstborn sons shall henceforth succeed them in the inheritance according to the before written grant.)

LEICESTER, 1256. Quod omnes filii primogeniti de legitimo matrimonio in villa Leicestrie et ejus suburbio procreati defunctis patribus succedant et hereditatem paternam et eorum habitaciones pacifice et quiete post mortem patrum optineant et ut heredes legitimi decetero licite possideant imperpetuum. Ita quod filii ultimogeniti in dictis villa et suburbano tempore confeccionis huius carte superstitibus existentes et paternam possessiones optinentes possessiones et hereditates paternas sine contradiccione qualibet habeant et retineant et eorum filii primogeniti post eos secundum predictam concessionem nostram in ipsorum hereditatem decetero succedant ut predictum est imperpetuum. Si vero ipsi de ipsis heredes non habuerint tunc propinquiores heredes eorum ratione primogeniture hereditarie succedant prout alibi in regno nostro observatum est et optentum.

(That all firstborn sons, born of lawful marriage in the town of Leicester and its suburb shall succeed their deceased fathers, and shall peacefully and

¹ Quoted *B.C.* II. 130.

quietly obtain their inheritance and habitations after the death of their father, and lawfully possess them henceforth for ever as their lawful heirs. Provided that the lastborn sons surviving at the time of the making of this charter in the said town and suburb and obtaining their paternal possessions may have and retain their possessions and paternal inheritances for ever without any contradiction, and their firstborn sons after them shall henceforth succeed to their inheritance according to the aforesaid grant as is aforesaid for ever. But if they have no heirs of their bodies, then their nearest heirs by primogeniture shall succeed as heirs, as is the custom elsewhere in our realm.)

SHREWSBURY, 1256 (a).

BAKEWELL, 1286. Quod heredes sui post decessum eorundem licite poterunt burgagia sua cum pertinenciis ingredi et habere absque aliqua exactione seu impedimento aliquo mei seu meorum nomine.

(That their heirs after the decease of the same shall be entitled to enter lawfully on their burgages with their appurtenances and to hold them without any exaction or hindrance by me or in the name of mine.)

TENBY, 1265-94. Similiter concedimus quod si quis burgensium predictorum morte subita, quod absit, moriatur, omnia catalla sua sibi fore salva, et heredem suum in hereditatem suam per relevium *xiii*d. libere introire.

(Likewise we grant that if any of the aforesaid burgesses die a sudden death, which God forbid, all his chattels shall be safe for him, and his heir shall freely enter into his inheritance for a relief of 12d.)

(17) Reliefs and Heriots¹

SALFORD, c. 1230. Cum burgensis moriatur heres ejus nullum aliud relevium dabit mihi nisi hujusmodi arma, scilicet gladium vel arcum vel lanceam.

(When a burgess dies his heir shall give me no relief other than arms of this kind, to wit, a sword or a bow or a lance.)

BOLTON, 1253.

Line 1. *For moriatur read moritur.*

2. *For mihi read nobis seu heredibus nostris.*

After scilicet insert unum.

STOCKPORT, c. 1260. Line 2. *Omit scilicet.*

MANCHESTER, 1301.

Line 1. *For Cum read Si.*

2. *For mihi read predicto Domino.*

For hujusmodi read alicujusmodi.

Omit scilicet...end.

PENRYN, 1236. Quod cum, ipsis cedentibus vel decedentibus, antedicta burgagia debeant releviari, pro qualibet acra integra reddant nobis et successoribus nostris duodecim denarios; qui autem majus et

¹ See also above (Tenby).

qui minus tenuerint consimiliter tam de redditu quam de relevio reddant secundum quantitatem tenementorum que optinuerint.

(That when, on sale or death, the aforesaid burgages ought to pay a relief, for each whole acre they shall pay twelve pence to us and our successors; but they who hold more or less, shall likewise pay, both in rent and relief, according to the size of the tenements they hold.)

NEWPORT (Kemmes), c. 1241. Item, si burgensis moritur de quacunque morte, nisi per iudicium pro feloniam vitam suam amittat, ego nihil habebō de catallo nisi relevium scilicet duodecim denarios.

(Item, if a burgess die from any death whatsoever, unless he lose his life by judgment for felony, I will have nothing of his chattels, except the relief, to wit twelve pence.)

SALTASH, before 1246. Et si quis illorum obierit, de quacunque morte fuerit, heres eius catalla ipsius in pace habebit et terram suam per xxx denarios releviabit ad plus. Et tamen emendabit vel releviabit burgensis de dimidio burgagio sicut burgensis de pleno burgagio.

(And if any of them die, of any death whatsoever his heir shall have his chattels in peace, and shall pay as a relief for his land, thirty pence at the most. And moreover, a burgess with half a burgage shall make amends and pay relief as a burgess with a full burgage.)

RATHCOOL, 1228-56 (b). Et quia de burgagiis suis relevia dare non consueverunt, eis eadem remisimus pro nobis et successoribus nostris; ita quod de dictis burgagiis nunquam de cetero relevium exigatur sicut nec unquam ante tempus nostrum exigi consuevit.

(And since from their burgages they were not wont to pay reliefs, we have remitted the same reliefs to them for ourselves and our successors; so that from the same burgages reliefs shall never henceforth be exacted, in the same manner as never before our time they were wont to be exacted.)

BRIDGETOWN POMEROY, 1268. Et si contingat quod predicti burgenses vel heredes sui aut assignati donent vel diuidant seu legauerint aliquid de predictis terris quod predicti burgenses et heredes sui aut assignati teneantur mihi et heredibus meis aut assignatis in triginta denariis de releuio pro unaquaque parte qualitercumque diuidatur.

(And if it happen that the aforesaid burgesses or their heirs or assigns should give, divide or devise any of the aforesaid lands, that the aforesaid burgesses and their heirs or assigns shall be bound to me and my heirs or assigns in 30d. of a relief for every part howsoever divided.)

DENBIGH, 1282-90. Et ensement fait assavoir qe les heirs et les assignez et les heyrz de lours assignez Engleis de trestoux les Burgeis avauntnomez rendront a nous et a noz heirs le premier an apres la morte lour auncestres pur les burgages et pur les curtilages un denier en noun de Reliefe. Et les heirs et les assignez et les heirs des assignez de tout ceux qui bovees tienent rendront a nous et a noz heirs le premier an apres

la morte lour auncestres pur chescun bovee qaraunte deners en noun de Reliefe. Hors pris ceo qe les heirs et les assignez de le avaunt dit Sire Williaime et les heysr de ses assignez rendront a nous et a noz heirs le primer an apres la morte lour auncestres pur les Burgage et curtilage cesze deners en noun de Reliefe.

(And also, it should be known that the heirs and assigns and the heirs of the assigns, being English, of each of the burgesses aforesaid shall render to us and our heirs the first year after the death of their ancestors for the burgages and curtilages one penny by way of relief: and...for each bovate forty pence by way of relief. Except that the heirs and assigns of the aforesaid Sir William and the heirs of his assigns shall render to us and our heirs the first year after the death of their ancestors, sixteen pence by way of Relief. (Four other exceptions paying a year's rent for relief.))

(18) Liberty of Marriage

[KILKENNY, 1202-10¹. Concessi etiam eisdem burgenssibus meis matrimonium contrahere sibi et filiis et filiabus suis et viduis suis sine licentia dominorum suorum, nisi forte forinseca tenementa tenuerint de me in capite extra burgum.

(I have granted also to my said burgesses that they may contract matrimony for themselves and their sons and daughters and their widows without the license of their lords, unless perchance they hold foreign tenements of me in chief without the borough.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289-95.

[BRISTOL², 1188. Et quod possint maritare se et filios et filias et viduas sine licentia dominorum suorum.

(And that they may marry themselves and their sons and their daughters and widows without the license of their lords.)]

WATERFORD, 1232. As Bristol.

CORK, 1242. Line 2. *After* licentia *insert* nostra et.

LIMERICK, 1292. As Waterford.

Line 2. *After* viduas *insert* ejusdem civitatis.

DROGHEDA (Meath), 1247. As Bristol.

DROGHEDA (Louth), 1253. *Omit* sine...suorum.

Add pro sue voluntatis arbitrio, nisi maritadium eorum ad nos vel alios de terra nostra Hibernie, ratione terrarum vel tenementorum forinsecorum, pertineat.

(According to the judgment of their own will, unless their marriage pertain to us or to others of our land of Ireland by reason of their foreign lands or tenements.)

CINQUE PORTS, 1278. Quod nos vel heredes nostri non habeamus custodias vel maritagia heredum suorum ratione terrarum suarum quas

¹ Vol. I, p. 77.

² Cf. vol. I, p. 77.

tenent infra libertates et portus predictos, de quibus faciunt servicium suum antedictum, et de quibus nos vel antecessores nostri custodias et maritagia non habuimus temporibus retroactis.

(That we or our heirs shall not have wardships or marriages of their heirs by reason of the lands which they hold within the aforesaid liberties and ports, for which they perform their aforesaid service, and of which we or our ancestors did not have the wardships and marriages in times past.)

FAVERSHAM, 1302.

Line 5. *Add* salvis regis dignitate et placitis corone de vita et membro¹.

GREAT YARMOUTH, 1298. Quod omnes illi de villa predicta oriundi, licet ipsi terras vel tenementa extra libertatem eiusdem ville tenuerint per tale servicium per quod maritagia eorundem, ratione minoris etatis ipsorum, ad nos vel heredes nostros pertinere deberent secundum legem et consuetudinem regni nostri, nichilominus juxta libertatem ville predictae se maritare possint sine occasione vel impedimento nostri vel heredum nostrorum imperpetuum, salvo jure alterius cujuscunque.

(That all those to be born in the aforesaid town, although they hold lands or tenements outside the liberty of the same town by such service that their marriages, by reason of their minority, ought to pertain to us or our heirs, by the law and custom of our realm, yet they shall be at liberty to marry according to the liberty of the town, without any claim or hindrance from us or our heirs, saving the rights of other persons whomsoever.)

CINQUE PORTS, 1298 (a) (excluding Sandwich)

Line 1. *For* de villa predicta *read* infra predictos quinque portus.

2. *For* eiusdem ville *read* eorundem portuum.

6. *For* ville predictae *read* portuum.

7. *For* nostri vel heredum *read* ballivorum.

(19) Wardship²

[KILKENNY, 1202-10³. Nullus dominorum de quibus burgenses de Kylkenn' forinsecum tenementum tenuerint habeat custodiam vel donationem seu filiorum vel filiarum aut viduarum eorum sed tantum custodiam tenementorum suorum habeat donec hii qui in custodia fuerint plenae aetatis sint, nisi de me, sicut predictum est, extra burgum in capite tenerint.

(None of the lords of whom the burgesses of Kilkenny hold a foreign tenement (*i.e.* a tenement outside the borough) shall have the custody or marriage of the sons or daughters or widows (of such burgesses) but shall have the wardship of their tenements only, until they who are in ward are of full age, unless they hold in chief of me outside the borough, as has been said.)]

¹ In the charter of 1290 to the Ports this saving, closing the charter, follows a statement that all the foregoing confirmations and liberties are granted anew.

² See also Cinque Ports, 1278, in sect. 18.

³ Vol. 1, p. 78. The corrections are obvious.

CARLOW, 1223.

Line 2. *For forinsecum tenementum read forinseca tenementa*

MOONE, 1223. As Carlow.

NEW ROSS, c. 1279. Do.

ROSBERCON, 1289-95. Do.

BRISTOL, 1252¹. Et quod nullus dominorum suorum propter forinsecas terras suas habeat custodiam vel maritagium filiorum vel filiarum suarum aut viduarum nisi tantum custodiam tenementorum suorum quae sunt de feodo suo donec aetatem legitimam compleverint².

(And that none of their lords on account of their lands without the city, shall have wardship or marriage of their sons or daughters or widows, but only the wardship of their tenements which are of their fee until the heir is of age.)

WATERFORD, 1232.

Line 2. *For maritagium read donacionem* (as Bristol, 1188).

CORK, 1242. As Waterford.

LIMERICK, 1292. Do.

BERWICK-ON-TWEED, 1302. Quod si aliqui burgenses predicti burgi habeant aliquos orphanos de legitimo thoro procreatos et de ipsis burgensibus contingat humanitas, dicti orphani cum eorum catallis, terris, tenementis et possessionibus suis per majorem et ballivos eiusdem burgi positi sint in custodia alicujus burgensis fidelis eiusdem burgi proximioris parentele dictorum orphanorum ad quem hereditas eorundem orphanorum descendere non poterit, qui prestet sufficientem securitatem quod ipsos orphanos, terras, tenementa et domos eorum in statu debito absque vasto, vendicione vel exilio custodiat et sustentat et omnes exitus de terris, tenementis et domibus eorundem orphanorum tempore custodie sue provenientes, deductis rationabilibus misis et sumptibus pro tempore custodie predictae, prefatis orphanis cum ad legitimam aetatem suam pervenerint per visum et considerationem majoris et ballivorum predicti burgi una cum surplusagio expensarum plene respondeat et restituat. Volumus etiam quod major et ballivi predicti burgi plenam habeant potestatem ad supervidendum quolibet anno quod predicta custodia ad commodum predictorum orphanorum bene et fideliter fiat.

(That if any burgesses of the borough aforesaid have any orphans, born of lawful matrimony, and the lot of humanity happen to the same burgesses, the said orphans with their chattels, lands, tenements and possessions shall be placed by the mayor and bailiffs of the said borough in the custody of some faithful burgess of the said borough of near relationship to the said orphans to whom their inheritance cannot descend, who shall furnish sufficient security that he will keep and support the said orphans, land, tenements and houses in their proper condition without waste, sale, or damage, and will fully answer for and restore all the issues of the lands, tenements and houses of the said orphans during the time of his custody, along with the surplus of

¹ Cf. vol. I, p. 78.

² Quoted *B.C.* II, 145.

expenses, after deducting reasonable costs and expenses for the time of such custody, to the aforesaid orphans when they attain their full age, under the supervision of the said mayor and bailiffs. We will also that the mayor and bailiffs of the said borough shall have full power to see every year that the said custody is well and faithfully carried out to the advantage of the said orphans.)

(20) Widow's Free Bench

SALFORD, c. 1230. Cum burgensis moriatur, sponsa sua manebit in domo cum herede et ibi habebit necessaria quamdiu sine marito fuerit, et ex quo maritari voluerit discedet libere sine dote, et heres ut dominus manebit in domo.

(When a burgess dies, his widow shall remain in the house with the heir and shall there have what is necessary so long as she shall remain without a husband, and from the time she wishes to marry she shall depart freely without dower, and the heir as master shall remain in the house.)

BOLTON, 1253.

Line 1. *For moriatur read moritur.*

2. *For ibi read ibidem.*

3. *For discedet read discedat.*

STOCKPORT, c. 1260. Line 3. *For discedet read decedat.*

MANCHESTER, 1301.

Line 1. *For Cum read Si aliquis.*

For sua read ejus.

For manebit read debet manere.

2. *Omit cum herede.*

For habebit read habeat.

3. *For fuerit read voluerit esse.*

Before et ex quo, insert et heres cum illa.

For discedet read decedet.

Omit libere sine dote.

4. *For in domo read ibi.*

(21) Assessment of Rents

OXFORD UNIVERSITY, 1231 (c). Rex maiori et ballivis Oxon. Salutem. Satis constat vobis quod apud villam nostram Oxon. studendi causa e diversis partibus tam cismarinis quam transmarinis scholarium confluit multitudo, quod valde gratum habemus et acceptum, cum exinde toto regno nostro commodum non modicum et honor nobis accrescat: et vos specialiter inter quos personaliter conversantur studentes non mediocriter gaudere debetis et letari. Audivimus autem quod in hospitiiis vestris locandis tam graves et onerosi estis scholaribus inter vos commorantibus quod nisi mensurabilius et modestius vos habueritis erga ipsos in hac parte exaccione vestra faciente, oportebit ipsos villam vestram exire et, studio suo relicto, a terra nostra recedere, quod nullatenus vellemus. Et ideo vobis mandamus firmiter injungentes quatinus super predictis hospitiiis locandis vos mensurantes secundum consue-

tudinem universitatis per duos magistros et duos probos et legales homines de villa vestra ad hoc assignandos hospitia predicta taxari et secundum eorum taxationem locari permittatis, taliter vos gerentes in hoc et in aliis que ad scholares contingunt, ne si secus egeritis, propter quod ad nos debeat clamor pervenire, ad hoc manum apponere debeamus.

(It is sufficiently clear to you that to our town of Oxford, for the sake of study, from divers parts, both this side of the sea and across the sea, there flows together a multitude of scholars, which we consider very pleasing, since therefrom no little advantage accrues to the whole of our realm and no little honour to us; and you especially among whom the students live, ought not a little to rejoice and be glad: But we have heard that in letting your lodgings you are so heavy and burdensome to the scholars dwelling among you, that unless you behave yourselves with more restraint and moderation towards them in this behalf, from the exaction which you make, they will be obliged to go out of your town and leave their study and depart from our land, which we by no means desire. And therefore we command you, firmly enjoining, that you, keeping yourselves within measure in letting the aforesaid lodgings, permit the aforesaid lodgings to be valued, according to the custom of the University, by two masters and two upright and lawful men of your town to be assigned for this purpose, and to be let at their valuation, and that you so behave yourselves in this and in other matters which concern the students that you do not make it necessary, on a complaint being made to us that you have acted otherwise, for us to put our hand to this matter¹.)

CAMBRIDGE UNIVERSITY, 1231 (c).

Line 17. *For in...contingunt read in hac parte.*

OXFORD UNIVERSITY, 1256. Sciatis quod ad tranquillitatem et utilitatem tam magistrorum et scholarium vniuersitatis Oxon. quam burgensium et aliorum in eadem villa domos habencium, concessimus eidem vniuersitati quod decetero omnes domus ejusdem municipii Oxon. a scholaribus inhabitate et inhabitande a quinquennio in quinquennium retaxentur secundum arbitrium taxatorum clericorum et laicorum ex utraque parte juratorum, et volumus quod ista retaxacio incipiat a tempore confeccionis presencium litterarum.

(Know ye that for the peace and advantage both of the masters and scholars of the university of Oxford and of the burgesses and others who have houses in the said town, we have granted to the same university that henceforth all the houses of the same town of Oxford which are or shall be inhabited by the scholars shall be reassessed every five years according to the judgment of sworn assessors chosen from the clerks and laity and we will that this revaluation begin from the time of the making of these letters (patent).)

OXFORD UNIVERSITY, 1303. Edwardus Dei Gratia rex Angliae dominus Hiberniae et dux Aquitaniae maiori et burgensibus Oxon. salutem. Nuper ad instantiam magistrorum et scholarium universitatis Oxon. ob nostrum et regni nostri honorem ac divini cultus augmentum

¹ For *taxacio hospiciozum* at Bologna and Paris, see Rashdall, *Universities of Europe in the Middle Ages*, I, 192, 479 (C.).

vestrumque commodum manifestum certis de causis meminimus vos rogasse quod hospitia villae vestrae predictae, ea maxime in quibus scholares solebant preteritis temporibus hospitari, nunc a vobis et aliis vestris comburgensibus occupata, et alia quibus sine gravi dispendio carere possetis, ad inhabitandum dimitteris scholaribus ista vice, vosque postmodum per litteras vestras cancellario nostro et aliis de consilio nostro apud Ebor. commorantibus curialiter respondistis quod omnes domos et hospitia quibus sine gravi dispendio carere poteritis animo libentissimo nostri contemplatione rogaminiis scholaribus dimittetis, Verum quia a predictis magistris et scholaribus accepimus quod de precibus nostris predictis, licet jam instet resumptio lectionum, nihil utilitatis adhuc sentiunt in effectu, de quo non modicum admiramur, Vos iterato rogamus quod, nostrum et regni nostri honorem et Christianae religionis propagationem salubrem vestrumque commodum debita consideratione pensantes, promissionem vestram predictam, ad cuius executionem et completionem jam estis indubitanter astricti, cum omni qua poteritis celeritate effectualiter adimplere curetis, ne ob vestrum defectum universitas nostra quam regni et dignitatis nostrae regiae membrum nobile reputamus per injustam retractionem scholarum grave quin potius inestimabile, quod absit, sustineat detrimentum.

(We have lately remembered that we asked you at the request of the masters and scholars of the university of Oxford, on account of the honour of ourselves and our realm, and the increase of divine worship and your own manifest profit, that the inns of your aforesaid town, and especially those in which the scholars were in times past wont to be lodged which are now occupied by you and your other fellow-burgesses, and others which without serious loss you might do without, you would at that time demise to the scholars for their habitation, and you, by your letters addressed to our chancellor and others of our Council sitting at York, courteously promised that with a most willing mind you would in consideration of our request demise to the scholars all the houses and inns which without serious loss you could do without. But whereas we have learnt from the aforesaid masters and scholars that they find as yet no useful effect resulting from our prayers aforesaid, although the resumption of lectures is now at hand, at which we greatly wonder, We again ask you that weighing with due consideration the honour of ourselves and our realm and the wholesome advancement of the Christian religion and your own profit, you take care to fulfil your aforesaid promise, to the execution and completion of which you are already undoubtedly bound, as quickly as possible, lest from your default our university, which we consider a noble member of the realm, and of our royal dignity, should by the unjust withdrawal of the schools suffer serious, nay rather, incalculable damage, which may God forbid.)

CAMBRIDGE UNIVERSITY, 1266. Sciatis quod ob honorem Dei et ecclesie sacrosancte, necnon ob commodum et communem utilitatem scholarium in municipio Cantebriegg' studencium, concessimus cancellario et scholaribus predictis et eorum successoribus ibidem

studentibus quod omnes domus eiusdem ville quas scolares predictos inhabitare contigerit per duos magistros et duos burgenses eiusdem ville secundum rationabilem taxationem de cetero taxentur de quinquennio in quinquennium.

(Know ye that for the honour of God and Holy Church and also for the benefit and common advantage of the scholars residing in the town of Cambridge, we have granted to the chancellor and scholars aforesaid and their successors that all the houses of the same town which the scholars may chance to inhabit shall be assessed at a reasonable assessment by two masters and two burgesses of the same town every five years.)

II B. TENURIAL PRIVILEGES

(1) Grant of King's Peace

DUMBARTON, 1221. Concessi eciam firmam pacem meam omnibus illis qui venient ad predictum burgum meum inhabitandum.

(I have granted also my firm peace to all those who shall come to my aforesaid burgh to dwell there.)

ABERDEEN, 1277. Sciatis nos burgenses nostros de Abirden terras suas, homines suos et universas eorundem possessiones ac omnia bona sua mobilia et immobilia sub firma pace et protectione nostra juste suscepisse. Quare firmiter prohibemus ne quis eis malum, molestiam, injuriam seu gravamen aliquod inferre presumat super nostram plenariam forisfacturam.

(Know ye that we have justly taken our burgesses of Aberdeen and their lands, their men and all their possessions and all their goods, moveable and immoveable, into our firm peace and protection. Wherefore we firmly forbid any person from presuming to do them any evil, trouble, injury or hardship under penalty of our full forfeiture.)

(2) Grant of Lord's Peace

HAVERFORDWEST, 1219-31. Quod nullus dissaisitus sit de burgagio suo nec de pertinentiis sine iudicio....Item, quod non capiantur sine iudicio, nec detineantur contra vadium et plegium, nisi in casibus secundum formam in carta domini patris nostri.

(That none be disseised of his burgage or its appurtenances without a judgment.

Also, that they be not arrested without a judgment, nor detained despite bail and pledge, except in cases according to the form of the charter of our father.)

CHESTER, 1233-7. Set omnes ballivi mei ipsos et eorum libertates et liberas consuetudines et jura protegant et manuteneant.

(But all my bailiffs shall protect and maintain them and their liberties and free customs and rights.)

LISKEARD, 1240. Et precipimus omnibus ballivis nostris Cornubie quod predictos burgenses nostros de Leskereth in dictis libertatibus protegant et manuteneant.

(And we command all our bailiffs in Cornwall to protect and maintain all our aforesaid burgesses of Liskeard in the said liberties.)

(3) Warranty of Lands

LONDON, 1227 (*d*)¹. Et quod terras suas et tenuras et vadimonia et debita omnia juste habeant, quicumque eis debeat.

(And that they shall have their lands and tenements and their bonds and debts according to law, whoever owes them.)

LONDON, 1268.

ROCHESTER, 1227.

WARENMOUTH, 1247.

BRISTOL, 1252. Lines 1, 2. *Read vada et debita sua quaecunque eis debita.*

MELCOMBE [REGIS], 1280. As London, 1268.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

DROGHEDA (Louth), 1229².

Line 2. *After debita insert sua per totam terram meam.*

For eis read ea.

DROGHEDA (Meath), 1247. As Drogheda (Louth).

WATERFORD, 1232³. Do.

CORK, 1242. As Waterford.

Line 2. *For et debita read de debitis.*

LIMERICK, 1292. As Waterford.

(4) Hunting Privileges

SCARBOROUGH, 1256 (*b*). Et quod habeant imperpetuum liberam warennam in omnibus dominicis terris predicti manerii. Ita quod nullus intret terras illas ad fugandum in eis vel aliquid capiendum quod ad warennam pertineat sine licentia et voluntate ipsorum burgensium vel heredum suorum super forisfacturam meam decem librarum. Ita quod nullus forestarius vel minister foreste vel aliquid alius preter ipsos burgenses intromittat se de aliquibus attachiamentis, summonicionibus aut districtionibus infra divisas eiusdem manerii pro aliquo re ad forestam pertinente.

(And that they shall have free warren for ever in all the demesne lands of the said manor. So that no person shall enter those lands for hunting in them nor for taking anything pertaining to a warren under penalty of forfeiting £10 to me. So that no forester or minister of the forest or any other person except the burgesses themselves shall intermeddle concerning any attachments, summonses or distrains to be made within the boundaries of the said manor (Falsgrave) for any matter pertaining to the forest.)

NETHER WEARE, 1278-9. Et quod predictus Auncelmus (de Gournay) et burgenses eius intra Netherwere habeant liberam warrennam in omnibus dominicis terris suis predictis, dum tamen terre ille non sunt infra metas foreste nostre: ita quod nullus intret terras illas ad fugandum in eis vel ad aliquid capiendum quod ad warrennam pertineat

¹ See vol. I, p. 82.

² Cf. Bristol, 1188 (*ibid.*).

³ Cf. Dublin, 1192 (*ibid.*).

sine licentia et voluntate ipsius Auncelmi et burgensium eius de Netherwere, super forisfacturam nostram x librarum.

(And that the aforesaid Anselm and his burgesses of Netherwere shall have free warren in all their demesne lands aforesaid, provided that those lands are not within the bounds of our forest: so that none shall enter those lands to hunt or to take anything pertaining to a warren without the licence and will of the same Anselm and his burgesses of Netherwere, under penalty of £10 payable to ourselves.)

(5) Freedom from Forest Laws¹

BRISTOL, 1252. Quod nullus eorum de cetero occasionetur ab aliquo iusticiario nostro forestae vel alio ballivo nostro pro venatione inventa infra muros ejusdem villae.

(That none of them be troubled by any justice of the forest or any other bailiff of mine for venison found within the walls of the same town.)

YORK, 1252. Quod iidem cives Eborum in suburbiis civitatis nostre Ebor' de expeditacione canum suorum ibidem imperpetuum sint quieti.

(That the said citizens of York shall for ever be quit of the lawing² of their dogs in the suburbs of the said city.)

SCARBOROUGH, 1253 (c). Nolumus autem quod status predicti burgi cum pertinentiis quantum ad forestam nostram mutetur in aliquo, occasione huius nostre concessionis, sed imperpetuum sit quo ad eandem forestam in eodem statu quo fuerit ante confeccionem huius carte.

(Moreover, we will that the status of the aforesaid borough with its appurtenances shall not be changed in any way as regards our forest by reason of this our grant, but that, as regards the said forest, it shall for ever be in the same state as it was before the making of this grant.)

SCARBOROUGH, 1256 (a). Et quod predicti burgenses et homines predicti manerii (Wallesgrave³) et eorum heredes imperpetuum sint quieti de chiminagio per totam forestam nostram de Pykering. Ita quod maeremium, buscum, turbas, brueram, feugeram et omnes alias res suas sine omni occasione aut impedimento forestariorum, viridariorum et omnium aliorum ballivorum aut ministrorum foreste libere et quiete cariare et portare possint.

(And that the aforesaid burgesses and the men of the aforesaid manor and their heirs shall for ever be quit of cheminage throughout the whole of our forest of Pickering. So that they may cart and carry their timber, brushwood, turves, heath, fern and all other things freely and quietly without any hindrance or impediment from our foresters, verderers or any other bailiffs and ministers of the forest.)

¹ For the disafforestation of the warren of Staines (18 Aug. 1227) which, though granted to all the men of Middlesex, was considered a London privilege see *Cal. Chart. R.* I, 56; II, 477.

² See p. 108.

³ Now Falsgrave.

SCARBOROUGH, 1256 (*b*). Concessimus eciam eisdem burgensibus quod predictum manerium cum burgo predicto et omnibus terris et tenementis infra divisas eiusdem manerii contentis deafforestetur imperpetuum et sit extra regardum, quietum et solutum de regardo, visu forestariorum, viridariorum, regardatorum, expeditacione canum et de omnibus aliis ad forestam et forestarios pertinentibus.

(We have also granted to the said burgesses that the manor aforesaid with the borough aforesaid, and all the lands and tenements contained within the limits of the said manor, shall be disafforested, and shall be outside the regard, and quit and freed from the regard, view of foresters, verderers, regards, and from lawing of dogs and from all other matters pertaining to the forest and the foresters.)

SCARBOROUGH, 1256 (*b*). Et si aliquis predictorum burgensium vel hominum predicti manerii aut heredum suorum rettati, indictati aut attachiati fuerint de venacione vel alio transgressione foreste, liceat eis se defendere de transgressionibus illis per sacramentum triginta et sex hominum coram quibuscunque iusticiis nostris de foresta, nisi per viridarios aut forestarios de feodo inventi fuerint cum manu opere, sicut se defendunt de omnibus appelacionibus eis factis, nisi de corpore regis.

(And if any of the aforesaid burgesses or men of the aforesaid manor or of their heirs shall be accused, indicted or attached for venison or any other trespass of the forest, it shall be lawful for them to defend themselves by the oath of thirty-six men before any justices of the forest, except they are found by the verderers or foresters in fee in the act, as they defend themselves concerning all appeals made against them, except concerning the king's body.)

BASINGSTOKE, 1256 (*a*), (*b*). Et sint etiam quieti de chiminagio et de expeditacione canum suorum imperpetuum.

(And that they be also quit of road due and of the lawing of their dogs for ever.)

PORTSMOUTH, 1256. Quod imperpetuum quieti sint de cheminagio per forestam nostram, sicut hucusque quieti esse consueverunt.

(That they shall be for ever quit of cheminage through our forest, as they have hitherto been wont to be quit.)

OXFORD, 1257 (*a*). Et quod non placitent nec implacitentur extra villam Oxonie coram iusticiariis de foresta super aliquibus rebus vel factis infra villam predictam emergentibus.

(And that they shall not plead nor be impleaded outside the town of Oxford before the justices of the forest concerning any things or deeds happening within the aforesaid town.)

DUNSTER, 1254-7. Et si coniculum in dampnis suis invenerint, occidant ipsum, et pellem ferant ad castrum et sint inde quieti.

(And if they find a rabbit doing damage, they shall kill it, and bring its skin to the castle and be quit therefor.)

NORTHAMPTON, 1270. (Letters Patent.) Cum burgenses nostri Norhamptonie ab antiquo quieti esse consueverint de expeditacione canum suorum tam in suburbio eiusdem quam infra eandem villam, Volentes eisdem burgensibus gratiam facere specialem, Concessimus eis pro nobis et heredibus [nostris] quod ipsi burgenses et eorum homines imperpetuum sint quieti de expeditacione canum suorum tam in suburbio predictæ ville quam infra eandem villam, Et quod quieti sint de fine et misericordia si que ad nos vel heredes nostros ratione huiusmodi expeditacionis possent pertinere.

(Whereas our burgesses of Northampton from of old have used to be quit of lawing of their dogs both in the suburb and within the same town, We willing to do a special favour to the said burgesses, Have granted that the same burgesses and their men shall for ever be quit of lawing¹ of their dogs both within the suburb of the aforesaid town and within the same town, And that they shall be quit of fine and amercement if there are any which may pertain to us and our heirs by reason of such lawing.)

CONWAY, 1284. Quod omnes terre eidem burgo jam assignate dewarrenate et deafforestate sint omnino.

(That all lands already assigned to the same borough shall be entirely dewarrened and disafforested.)

CARNARVON, 1284.

CRICCIETH, 1284.

HARLECH, 1284.

BERE, 1284.

FLINT, 1284.

RHUDDLAN, 1284.

OVERTON, 1292. *Add infra libertatem ville predictæ.*

BEAUMARIS, 1296.

(6) No Scotale, etc.

LONDON, 1227 (*d*)². Insuper etiam, ad emendationem civitatis, eis concessi quod sint quieti de Brudtolle, et de Childwite, et de Yeresgieve et de Scotala; ita quod Vicecomes meus Londoniarum vel aliquis alius ballivus Scotallam non faciat.

(Moreover, for the improvement of the city, I have granted them that they shall be quit of Brudtoll, of Childwite, of Year's gift, and of Scotale: so that my sheriff of London or any other minister, shall not make a Scotale.)

LONDON, 1268.

Line 2. *After* quod *insert* omnes.

Omit Brudtolle et.

ROCHESTER, 1227. As London, 1227. (Prepositi civitatis.)

ROCHESTER, 1266.

Lines 2, 3. *After* Childwyt *ends* et de ferme et de Scothale.

¹ Lawing or expeditation; the operation of cutting off the three claws of the (right) forefoot of a mastiff or removing the ball in other cases, to prevent them from chasing the game (*Records of Northampton*, I, 53).

² Cf. vol. I, p. 84.

WARENMOUTH, 1247. As London, 1268.

Line 2. *Omit* et de Childwite.

3. *Read* nullus vicecomes noster.

4. *Add* infra eundem burgum.

MELCOMBE [REGIS], 1280. As London, 1268.

Line 3. *Read* ballivi ejusdem burgi.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

DUNSTER, 1254-7. Et quod nullus de cetero faciat in villa de Dunsterre cervisiam illam quae vocatur cervisia prepositi.

(And that no one henceforth make in the town of Dunster the ale which is called the reeve's ale.)

DUNSTER, 1254-7¹. Si vero factum fuerit, pandoxatores eiusdem ville non cessant propter hoc quin pandoxatorium faciant ac vendant, prout facere debuerint, si cervisia illa non fuerit pandoxata.

(If, however, it shall have been done, the brewers of the said vill shall not on that account cease from brewing and selling, as they would have had to do, if that ale had not been brewed.)

NOTTINGHAM, 1265. Quia accepimus per inquisitionem quam per Simonem de Hedone, dudum vivecomitem nostrum Notingham', Johannem de Lek', et Ricardum de Westone, tunc coronatores eiusdem comitatus, fieri fecimus quod centum solidi quos burgenses nostri Notingham' annuatim jam multis retroactis temporibus reddere consueverunt vicecomitibus nostris predicti comitatus ad opus nostrum soluti fuerunt Philippo Mark', dudum vicecomiti nostro Notingham', ex gratia (videlicet pro bona voluntate sua habenda et pro libertatibus dictorum burgensium manutenendis et ne libertates illas ingrederetur) et non ex debito, et quod a tempore quo dictus Philippus vicecomes noster extitit predicti comitatus primo soluti fuerunt; Nos per finem quinquaginta marcarum quas iidem Burgenses nobis solverunt in garderoba nostra premanibus, remisimus eis et heredibus suis demandam predictorum centum solidorum et ipsos et heredes suos pro nobis et heredibus nostris inde quietos clamamus inperpetuum.

(Whereas we have learnt by an inquisition which we caused to be made by Simon of Hedon, formerly sheriff of Nottingham, and John of Leek (or Leake) and Richard of Weston, then coroners of the said county, that one hundred shillings which our burgesses of Nottingham yearly paid for many years past to our sheriffs of the said county to our use, were paid to Philip Mark formerly sheriff of Nottinghamshire as a matter of favour (to wit for having his good will and for his maintenance of the liberties of the aforesaid burgesses and to prevent his entry on the said liberties) and not as a debt, and that they were first paid from the time when the said Philip was sheriff of the said county, We, for a fine of fifty marks which the said burgesses have paid to us in our wardrobe, have remitted to them and their heirs the demand for the aforesaid one hundred shillings and quitclaim them and their heirs therefrom for ever.)

¹ This clause immediately follows the one just given.

(7) No Billetting or Purveyance¹

[LONDON, 1155². *Infra muros nemo capiat hospitium per vim vel per liberationem Mareschalli.*

(Within the walls no one shall take hospitality by force or by the billet of the marshal.)]

LONDON, 1227 (*d*).

Line 1. *After muros insert civitatis neque in Portesoka.*

LONDON, 1268. As 1227 (*d*).

ROCHESTER, 1227. Line 1. *After muros insert civitatis.*

For vel read set.

MELCOMBE [REGIS], 1280. As London, 1268.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. As Melcombe.

BERWICK-ON-TWEED, 1302. As London, 1268.

Line 1. *For muros read eundem burgum.*

DROGHEDA (Louth), 1229.

Line 1. *For Infra muros read In predicto burgo.*

DROGHEDA (Meath), 1247. As Drogheda (Louth)

Line 2. *Omit per liberationem Mareschalli.*

WATERFORD, 1232.

Line 1. *For vim read assisam.*

2. *For Mareschalli read marescallorum and add contra voluntatem civium.*

CORK, 1242. As Waterford.

LIMERICK, 1292. Do.

DROGHEDA (Louth), 1229. *Quod nullus aliquid ab eis per creanciam vel per vim capiat, nisi de voluntate eorundem burgensium.*

(That none shall take anything from them, either on credit or by force, except by the will of the same burgesses.)

DROGHEDA (Meath), 1247.

MONTGOMERY, 1228-9. *Et ffirmi]ter prohibemus ne aliquis constabularius vel ballivus noster vel alias (sic) alius aliquid capiat, vel emat ab aliquo extraneo in eadem villa nisi ex mera et spontanea voluntate venditoris. Ita quod ei de mercandisa sua statim satisfiat³.*

(And we firmly forbid that any constable or bailiff of ours or other person shall take or buy anything from any stranger in the said town except at the free will of the seller, whom he shall satisfy at once for his merchandise.)

WATERFORD, 1232. *Et quod nullus Justiciarius neque aliquis alius ballivus capiat aliquid de rebus vel merchandizis predictorum civium vel mercatorum predictam civitatem ingredientium contra voluntatem ipsorum quorum catalla fuerint.*

¹ See also the next section and VI 4. At Chester (1232-7) no caption could be taken except for the use of the earl and his justice, when they were in the city (p. 328). For freedom from constraint to buy the king's wines see V B 12.

² Vol. 1, p. 87.

³ See sect. 8.

(And that no justice or any other bailiff shall take any of the goods or merchandise of the aforesaid citizens or from merchants approaching the aforesaid city against the will of those whose chattels they are.)

CORK, 1242. Line 4. *After catalla insert illa.*

SALTASH, before 1246. Et quod nichil capiatur ad opus meum in eadem villa nisi per voluntatem mercatorum.

(And that nothing shall be taken for my use in the same town, except by the will of the merchants.)

DUNHEVED, 1225-56. Quod nullus vicecomes vel alius ballivus noster emat vel capiat pro voluntate sua aliquid in prenominato burgo nisi de bona voluntate et spontaneo consensu venditoris ipsius mercature.

(That no sheriff or bailiff of ours shall buy or take at his will anything in the before-mentioned borough, unless with the good will and spontaneous consent of the seller of that merchandise.)

BRIDGENORTH, 1256 (a). Et quod nullus vicecomes, constabularius, castellanus aut aliquis minister eorum de cetero capiat prisas aliquas infra libertatem predicti burgi, preterquam debitas et hactenus consuetas, nisi de consensu illorum quorum res ille fuerint.

(And that no sheriff, constable, or castellan or any minister of theirs shall henceforth take any prises within the liberty of the aforesaid town, except these due and hitherto accustomed, unless by the consent of those whose goods are taken.)

SCARBOROUGH, 1256 (b). Et quod nullus vicecomes, constabularius aut alius ballivus vel minister noster vel aliquis alius capiat aliquid infra divisas predicti manerii vi aut contra voluntatem venditoris.

(And that no sheriff, constable or other bailiff or minister of ours shall take anything within the bounds of the aforesaid manor by force or against the will of the vendor.)

(8) Limitation of Lord's Credit

[KILKENNY, 1202-10¹. Nullus burgensis cogatur catallum suum prestare nisi prius facta fuerit ei securitas ad certum terminum de reddendo. Et si forte aliquis burgensis catallum suum sponte commodaverit ballivis castelli mei, si certus terminus reddendi constitutus non fuerit, infra quadraginta dies persolvatur.

(No burgess shall be forced to lend his chattels unless security is first given of repayment within a certain time. And if any burgess should of his own accord lend his chattels to the bailiffs of my castle, unless a fixed time for repayment is first agreed, he shall be repaid within forty days.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289-95.

¹ Vol. I, p. 88.

[*KELLS*, after 1210¹. Et si forte facta fuerit mutatio ballivorum meorum, ego vel ballivus meus ballivum recedentem compellemus quod eis debitum reddat quod eis debet, sicut rationabiliter eis debere monstrare poterunt.

(And if there be a change of my bailiffs, I or my bailiff will compel the retiring bailiff to pay the debt which he owes them, as they can reasonably prove the debt to be due.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

Line 3. *For* reddat...debet *read* debitum suum solvat.

4. *At end add* quod sua sint.

ROSBERCON, 1289-95.

MONTGOMERY, 1228-9. Et constabularius et ceteri balliui nostri spontanea voluntate hominum predicte ville emant ab eis estouerium suum, et pacationem suam inde ultra viginti dies nullo modo differant.

(And that our constable and other bailiffs shall buy what they need from the men of the aforesaid town with their free will and shall in no manner defer their payment therefor beyond twenty days.)

HAVERFORDWEST, 1219-31. Quod nulla creancia fiat ballivis ultra quarterium anni nisi exercitus veniret in terram nostram.

(That no credit be given to the bailiffs beyond a quarter of a year except an army comes into our land.)

CARLISLE, 1234. Quod si constabularius castri nostri Karl' uel uiccomes uel alius ballivus noster uel heredum nostrorum prisam aliquam ceperit in eadem uilla de aliquo mercatore qui sit de eodem comitatu: predictus constabularius uel uiccomes uel alius ballivus noster uel heredum nostrorum denarios quos debuerit pro prisam illa reddat infra quadraginta dies. Et si denarios pro prisam illa infra illos quadraginta dies non reddiderit: tunc elapsis illis quadraginta diebus nullam prisam capiat quousque denarios quos debuerit pro predicta prisam reddiderit.

(That if the constable of our castle of Carlisle or the sheriff or any other of our bailiffs, or those of our heirs, shall take any prise in the said town of any merchant belonging to the county, the constable, etc. (as above) shall pay the money he shall owe for the prise within forty days. And if he shall not have paid the money therefor within that period, then when it elapses he shall take no prise until he pays the money he owes for that prise.)

CARMARTHEN, 1254-7. Et quod nullus eorum cogatur accomodare ballivo suo ultra duodecim denarios nisi voluerit bona voluntate sua.

¹ Vol. I, p. 88.

(And that none shall be compelled to lend to his bailiff more than twelve pence except he is willing to do so of his own free will.)

LAUGHARNE, 1278-82.

Line 2. *After accomodare insert domino suo vel alicui ballivo.*
CARDIGAN, 1284.

Line 2. *For voluerit bona read fuerit spontanea.*

HAVERFORDWEST, 1291. As Cardigan.

OVERTON, 1292. Line 2. *For nisi...end read contra voluntatem suam.*

AGARDSLEY, 1263. Quod nec ego nec heredum meorum aliquis sive successorum meorum nullam capcionem contra voluntatem suam in nundinis sive in foro de eisdem faciemus, nisi plene pacaverimus infra xv dies sequentes.

(That neither I, nor any of my heirs or successors, will take any caption from them against their will in fair or market, but we will fully pay for the same within fifteen days following.)

MORPETH, 1239-66 (c). Item concessi eisdem quod si ego vel heredes mei prisam fecerimus per servientes nostros de pane vel de cervisia vel de aliqua alia re in dicta villa de Morpeth, ille prise solvantur creditori infra quadraginta dies; creditor autem cui non solutum fuerit infra quadraginta dies de prisas de eo factis maneat quietus ab omni prisam post quadraginta dies quousque ei solutum fuerit. Ita tamen quod bene licebit mihi et heredibus meis alias prisas facere infra terminum illarum quadraginta dierum. Et sciendum est quod prisam mea cervisie erit in toto anno tres gallones pro uno denario.

(I have also granted to them that if I or my heirs take prise, by our serjeants, of bread or beer or any other article within the said town of Morpeth, payment shall be made to the creditor for those prises within forty days; and the creditor to whom payment is not made within forty days after the prises have been taken from him, shall be quit from all prise after the forty days until he is paid. Provided that it shall be lawful for me and my heirs to make other prises within the term of those forty days. And be it known that throughout the whole year the prise of beer will be three gallons for one penny.)

WARTON, 1246-71. Et si aliquid mihi crediderint si quadraginta dies transierint et debitum eis solutum non fuerit, amplius non credant mihi sua antequam debitum predictum eis fuerit solutum.

(And if they give any credit to me, if forty days have passed and the debt is not paid, they shall give me no more credit before that debt is paid to them.)

SWANSEA, 1306. Preterea concessimus eisdem burgensibus nostris et eorum heredibus, etc., pro nobis, etc., quod neque nos nec aliquis nomine nostro in posterum de eisdem burgensibus nostris de Sweyn' ultra viginti marcas vel earum valorem capiemus seu capere faciemus, et [si] quid infra viginti marcas vel tantumdem aut earum valorem ceperimus, infra quadraginta dies soluere tenebimur; quod si non soluerimus infra tempus prescriptum nichil amplius capiemus seu capere

faciemus ab eisdem vel eorum quocumque donec prius perceptum plenarie persoluerimus.

(Further, we have granted to our same burgesses and their heirs, etc., for us, etc., that neither we nor anyone in our name shall henceforth take or cause to take more than twenty marks, or the value thereof, from our said burgesses of Swansea, and if we shall have taken a matter of less than twenty marks, or just so much, or the value thereof, we shall be bound to pay within forty days. But if we do not pay within the prescribed period, we shall take or cause to take nothing more from them or any of them until we shall have completed the payment of what was first taken.)

(9) Military Service¹

HAVERFORDWEST, 1219-31. Quod non vadant ad equitaturam nisi cum corpore nostro, nec ad exercitum nisi cum corpore nostro vel cum capitali ballivo nostro ad communem defensionem terre nostre.

(That they shall not go on riding service except with ourselves, nor to war except with ourselves or with our chief bailiff for the common defence of our land.)

NEWPORT (Kemmes), c. 1241. Item burgenses non vadant in exercitum, nisi sicut burgenses de Penbrook vadant.

(Item, the burgesses shall not go on expedition, except as the burgesses of Pembroke go.)

LAUGHARNE, 1278-82. Et quod non eant ad exercitum ad villam custodiendam sic [ut] burgenses.

(And that they shall not go to the army but guard the town as burgesses.)

TENBY, 1265-94. Concessimus eciam eisdem quod non exeant villam Tenebie ad exercitum seu equitatum, nisi tam procul sicut comode ire possint in die et sole lucente redire.

(We have also granted them that they shall not go out of the town of Tenby on army or riding service, except so far as they can conveniently go in the day and return by daylight.)

TENBY, 1265-94. Similiter concessimus eisdem quietanciam omnium custodiarum tam castrorum quam molendinorum nostrorum nisi ex mera et libera voluntate eorum facere voluerint.

(Likewise, we have granted them quittance of all wards, both of our castles as well as of our mills, unless of their free will they are willing to do it.)

DENBIGH, 1282-90. Cest assavoir que chescun des avaunditz Burgeis (here follow their names) et les heirs ou les assignez de chescun de eaux Engleys trouveront un homme defensable en lavaundite ville de Dynebieghe dedenz les murs a la garde et al defens de lavaundite ville de Dynebieghe pur chescun Burgage et curtilage avauntnomez....

¹ Cf. the assurance given to the citizens of London in 1298 that the expedition made by them into Kent and Sussex to resist a French invasion should not become a precedent (*Foedera* (R), I, 903).

Et si nul des avauntdites burgeys ou ses heirs ou ses assignez avaunt-ditz faille ou faillent de garder et defendre par lui ou par homme defensable la dite ville de Dynebieghe sicome est avauntdit, bien lirra a nous et a noz heirs et a ceaux qui serrount seignurs du chastel de Dynebieghe, chescun burgage et curtilage et bovee de terre avauntditz en nos mayns ou en lour mayns seisir et retenir par la ou le servise desus dit ne soit pas pleynement fait: issi qe si ceaux qui faillent del avauntdit servise ou certain homme defensable pur eaux ne veigne ou ne veignent dedenz lan et le jour al dit servise faire et assietz faire de les arerages del dit servise qarere sount, demeurgent les burgages, curtilages et bovees de terre od les apurtenances a nous et a noz heres de faire ent notre volonte a toux jours.

(That is to say that each of the aforesaid burgesses (here follow their names), or the heirs or assigns of each of them being Englishmen, shall find an armed man in the aforesaid town of Denbigh for the guard and defence of the aforesaid town of Denbigh for each burgage and curtilage beforenamed....And if any of the aforesaid burgesses, or his heirs or assigns aforesaid, shall fail to guard or defend the said town of Denbigh by himself or by an armed man, as is aforesaid, it shall be lawful for us and our heirs and for those who shall be lords of the castle of Denbigh, to seize and retain in our hands or in their hands each burgage and curtilage and bovate in respect of which the above-mentioned service shall not be fully performed; so that if they fail in the aforesaid service or if an armed man does not come within a year and a day for them, to perform the aforesaid service and also to perform the arrears of the said service, then the burgages, curtilages and bovates and their appurtenances shall remain to us and our heirs to do our will therewith for ever.)

SWANSEA, 1306. Nec burgenses nostri neque existentes de manu-pastu eorum tempore pacis aut guerre ultra fines aut limites Goheri nobiscum ibunt in forma in originali carta eorum contenta¹.

(Neither our burgesses nor those in their mainpast shall go with us beyond the bounds and limits of Gower either in peace or war in the manner contained in their original charter.)

(10) Naval Services

CINQUE PORTS, 1278. Ita etiam quod dicti barones et heredes sui faciant nobis et heredibus nostris regibus Anglie per annum plenarium servicium suum quinquaginta et septem navium² ad custum suum per quindecim dies ad nostram vel heredum summonicionem.

(Provided also that the said barons and their heirs shall perform yearly to us and our heirs their full service of fifty-seven ships at their own cost for fifteen days, at the summons of ourselves or our heirs.)

FAVERSHAM, 1302 (for their proportion).

¹ Vol. I, p. 89.

² In Nov. 1302 Edward I accepted 25 instead of 57 for the Scottish war (*Foedera* (R.), I. 945). See also III 6.

LYDD, 1290. Ita quod barones de Lyde et Ingemareys et heredes sui inveniant unam navem predictis baronibus de Romenale in subsidium serviciū quocienscunque eos ad serviciū nostrum in exercitū inde summoneri contigerit.

(Provided that the barons of Lydd and Dungemarsch and their heirs shall find one ship for the aforesaid barons of Romney in aid of their service, whenever it shall happen that they are summoned to our service in the field in that behalf.)

(11) Aids and Tallages¹

WYCOMBE, 1226. (Fine.) Salvis eidem Alano et heredibus suis racionabilibus auxiliis suis, quando dominus rex et heredes sui tailliant dominica sua per Angliam.

(Saving to the said Alan and his heirs their reasonable aids, when our lord the king and his heirs shall tallage their demesnes throughout England.)

SALISBURY, 1227. Concedimus insuper eidem episcopo et successoribus suis quod pro necessitatibus suis et ecclesiae suae tallagium vel rationabile auxilium capiant de predictis civibus suis, quando nos vel heredes nostri tallagium facimus in dominicis nostris.

(We grant moreover to the said bishop and his successors that for their own necessities and those of their church they may take tallage or a reasonable aid from the aforesaid citizens, when we or our heirs make a tallage in our own demesnes.)

DUNHEVED, 1225-40. Concessimus etiam...quod non gyllent cum comitatu de aliquo servicio vel tallagio et labore, et quod non talliantur per nos vel heredes nostros ad tempus quando dominus rex omnes burgos suos per Angliam talliaverit.

(We have granted also...that they shall not geld with the county for any service or tallage or labour, and that they shall not be tallaged by us or our heirs when the lord king tallages all his boroughs throughout England.)

SALTASH, before 1246. Concessi etiam quod quieti sint ab omni tallagio et auxilio consuetudinario, nisi ad filium meum primogenitum militem faciendum et ad filiam meam primogenitam maritandam.

(I have also granted them that they be quit of every tallage and customary aid, except the aids for knighting my firstborn son and marrying my firstborn daughter.)

POOLE, c. 1248. Cum vero rex, quicunque fuerit, de civitatibus sive burgis suis tallagium ceperit secundum consuetudinem civitatum et burgorum suorum, de dictis burgensibus meis mihi et heredibus meis tallagium capere licebit.

(When the king, whoever he may be, takes tallage from his cities or boroughs, according to the custom of his cities and boroughs, it shall be lawful for me and my heirs to take tallage from the said burgesses.)

¹ See also III 6, VI 6 (Scarborough, 1256 (b)), and VI 16.

WEYMOUTH, 1252. Prohibemus ne in libero burgo nostro de Waymue aliquod tallagium vel auxilium de cetero fiat, licet dominus rex suos liberos burgos pro libitu suo voluerit talliare, nisi pro urgenti et evidenti necessitate ecclesie nostre Wyntonie relevanda, utpote si, quod absit, dictam ecclesiam nostram per aliquod infortunium continget vastari, destrui vel demoliri, vel pro auxilio de communi assensu totius regni domino regi faciendo.

(We forbid that in our free borough of Weymouth any tallage or aid be made henceforth, although our lord the king may wish to tallage his own free boroughs according to his will, except for relieving some urgent and evident need of our church of Winchester, such as if, which God forbid, it shall happen that our said church by any ill fortune shall be laid waste, destroyed or demolished, or for making an aid to our lord the king by the common assent of the whole realm.)

UTTOXETER, 1252. All these things aforesaid we have granted within the said commonalty of the aforesaid burgesses for ever, saving to us and to our heirs a reasonable toll (? tallage) of all our said burgesses and their heirs and assigns, and of all within their commonalty being, when as our lord the king that for the time shall be shall tax all his boroughs throughout England, so the said tax be gathered by the hands of two burgesses to the use of us and our heirs.

READING, 1254. (Fine.) Et preterea concesserunt...quod bene licebit dicto abbati et successoribus suis talliare dictam villam de Rading', quando dominus rex talliat dominica sua.

(And moreover they have granted...that it shall be lawful for the abbot and his successors to tallage the said town of Reading, when the king tallages his demesnes.)

OXFORD, 1257 (a). Concedimus etiam quod omnia burgagia sua talliabilia in villa et in suburbio Oxonie de cetero tallientur quando villa Oxonie talliata fuerit, prout hucusque fieri consuevit¹.

(We grant also that all their tallageable burgages in the town and suburb of Oxford shall henceforth be tallaged when the town of Oxford is tallaged, as has been heretofore wont to be done.)

BODMIN, 1225-57. Volumus autem quod sint quieti de omni tallagio, sicut pura elemosina antecessorum nostrorum².

(We will moreover that they be quit of all tallage, as the pure alms of our predecessors.)

DUNSTER, 1254-7. Quod quieti sint de annuo taillagio, ita quod ab eisdem nullum exigatur taillagium, secundum consuetudinem aliorum burgorum Anglie, nisi rationabili causa et debita possit exigi ab eisdem.

¹ Ogle's text corrected from the Charter Roll.

² The borough of Bodmin belonged to the prior and canons of Bodmin, and any tallage paid by the burgesses to the King or the earl of Cornwall would be a derogation of the "free alms" bestowed on the prior and canons (B.).

(That they be quit of the yearly tallage, so that no tallage be exacted from them, according to the custom of the other boroughs of England, unless it can be exacted from them for reasonable and due cause.)

EXETER, 1259(b). Salvo vero et retento nobis et heredibus nostris quod dictam civitatem talliare possimus quotiens rex Angliae civitates et burgos suos fecerit talliari.

(Saving, however, to us and our heirs, that we may tallage the said city, when the king of England causes his cities and boroughs to be tallaged.)

BERKELEY, 1262. (Maurice de Berkeley.) Noverit universitas vestra me ad instanciam et¹ petitionem specialem burgensium meorum et mercatorum burgi mei de Berclaio omnino eisdem et eorum heredibus sive assignatis plene remississe et quietum clamasse, pro me et heredibus meis, omnem exaccionem et totum clamium thallagii et omnem eiusdem thallagii speciem quod aliquando versus eosdem clamavi, sive aliquo modo clamare potui, sine aliqua reclamacione mei vel heredum meorum inperpetuum. Ita, scilicet, quod predicti burgenses et mercatores vel eorum heredes sive assignati in nulla thallagii specie nobis de cetero in posterum² sint responsuri. Neque ego Mauricius de Berclaio nec heredes mei nomine thallagii temporibus futuris aliquid ab eis exigere poterimus aut calumpniare. Quamobrem volo et concedo pro me et heredibus meis quod supradicti universi a predicto thallagio penitus liberi sint et quieti.

(Be it known to you all that I at the request and special petition of my burgesses and merchants of my borough of Berkeley have entirely and fully released and quitclaimed to them and their heirs or assigns, for me and my heirs, all the exaction and claim of tallage and of every kind of the same tallage which I have at any time claimed against them or can in any way claim, without any reservation on the part of myself and my heirs for ever. In such a way, namely, that the aforesaid burgesses and merchants or their heirs or assigns shall not henceforth in the future be answerable to us for any manner of tallage. Nor shall I Maurice of Berkeley or my heirs be able to exact or claim anything from them in the future by way of tallage. Wherefore I will and grant that all the abovenamed shall be entirely free and quit from the aforesaid tallage.)

AGARDSLEY, 1263. Quod liberi et quieti sint de omnimodis tallagiis et passagiis et tolnetis per totam terram meam inperpetuum, nisi tantummodo³ quando dominus Rex omnes burgos suos plenarie talliaverit.

(That they shall be free and quit of all kinds of tallages and passages and tolls throughout the whole of my land for ever, except when our lord the king fully tallages all his boroughs.)

¹ "vel" in Mr St Clair Baddeley's copy.

³ Corr. from "tanto modo quo."

² in perpetuum, *ib. rectius*.

WORCESTER, 1264. Quod illi quos ad ciuitatem illam talliandam deputauerimus similiter veniant in ciuitatem predictam ad tallag[ia] eiusdem ciuitatis assidenda.

(That those whom we shall appoint to tallage the city shall similarly come into the city to assess its tallages.)

MORPETH, 1239-66 (c). Et preterea concessi...quod nec prefati burgenses nec heredes eorum tallientur, nisi quando dominus rex talliabit burgos suos, et ad primogenitum filium meum militem faciendum, et ad primogenitam filiam meam maritandam, et ad corpus meum de prisona redimendum.

(And moreover I have granted...that neither the aforesaid burgesses nor their heirs shall be tallaged except when our lord the king tallages his boroughs, and also for knighting my first-born son, and for marrying my first-born daughter, and for redeeming my person from prison.)

WARTON, 1246-71. Quod non exigam ab eis aliud auxilium quam alii burgenses domini regis et vicinorum faciunt.

(That I will not exact from them any aid other than that paid by the other burgesses of our lord the king and my neighbours.)

LISKEARD, 1275. Salvis nobis et heredibus nostris quod predictum burgum talliare possumus quotienscunque et quandocunque dominus rex Anglie civitates et burgos suos talliaverit.

(Saving to us and our heirs that we may tallage the aforesaid borough as often and whenever our lord the king of England tallages his cities and boroughs.)

RETFORD, 1276. Salvo inde nobis et heredibus nostris tallagio nostro, cum nos et heredes nostri dominica nostra per Angliam fecimus talliari.

(Saving to us and our heirs our tallage therefrom, when we and our heirs cause our demesnes to be tallaged throughout England.)

CHESTERFIELD, 1294. Hoc tamen excepto quod talliabuntur quando dominus rex talliat burgos suos, et tunc rationabiliter talliabuntur, et hoc per preceptum domini regis¹.

(This only excepted, that they shall be tallaged when the king tallages his boroughs, and then they shall be reasonably tallaged, and this by the command of our lord the king.)

GREAT YARMOUTH, 1298. Quod ipsi et eorum heredes, burgenses eiusdem ville, de cetero imperpetuum quieti sint de omnibus tallagiis et auxiliis nobis et heredibus nostris de corporibus propriarum navium suarum et earum attilio prestandis.

¹ This clause follows an exemption from tallage, see V A 81

(That they and their heirs, being burgesses of the same town, shall henceforth for ever be quit of paying all tallages and aids from the hulls of their ships and their gear to us and our heirs.)

CINQUE PORTS, 1298 (a).

Line 1. *For burgenses eiusdem ville read barones eorundem portuum.*

2. *For omnibus read omnimodis.*

CLITHEROE, 1272-91. *Salvis nobis et heredibus nostris tallagiis dicte ville, quando dominus rex dominica sua talliare faciat, et ceteris consuetudinibus quas liberi burgenses Cestrie faciant domino suo.*

(Saving to us and our heirs the tallages of the said town, when our lord the king causes his demesnes to be tallaged, and all other customs which the free burgesses of Chester render to their lord.)

SWANSEA, 1306. *Cum vero tallagium aut auxilium aliquod nobis gratanter conceditur per communitatem ville predicte, per burgenses ejusdem taxetur et levetur.*

(When, however, any tallage or aid is freely granted to us by the community of the aforesaid town, it shall be assessed and levied by the burgesses.)

(12) Riding Service¹

SHREWSBURY, 1227 (a). *Quod nullus de predicto burgo decetero distringatur ad deferendum brevia nostra de summonicionibus faciendis, vel aliis, per vicecomitem nostrum vel ballivos suos.*

(That no one of the aforesaid city shall henceforth be distrained by our sheriff or his bailiffs to carry our writs of summons or of other matters.)

(14) Walling Services and Licenses²

SHREWSBURY, 1218. *Rex probis hominibus Salopesbiry, salutem. Mandamus vobis rogantes quatinus, in fide qua nobis tenemini, et sicut nos et indemnitatem nostram et vestram diligitis, occasione et dilacione postpositis, omnem quam poteritis apponatis diligenciam ad firmandum et claudendum villam nostram de Salopesbiry, ne pro defectu vestri dampnum, quod absit, nobis eveniat, et ne inimici nostri ad dispendium nostrum et vestrum in villam vestram habere possint ingressum eo quod, pro defectu firmacionis, eam sibi invenerint expositam ad ingrediendum in eam.*

(The king to the good men of Shrewsbury, greeting. We enjoin upon you requesting that, by the faith with which you are bound to us, and as you love us and our safety and your own, all excuse and delay postponed, you apply all the diligence in your power to strengthen and enclose our town of Shrewsbury, lest by your defect damage, which God forbid, may happen to us, and lest our enemies, to our loss and yours, may gain entrance into your town because for lack of fortification they find it open to their entrance.)

¹ See also Haverfordwest and Tenby in sect. 9 above.

² See footnote, p. lxviii. For murage grants, see VII 19.

SALISBURY, 1227. Concedimus prefato episcopo et successoribus suis quod predictam civitatem Novae Sar. propter metum latronum fossatis competentibus claudant et teneant in perpetuum sicut proprium dominicum suum.

(We grant also to the said bishop and his successors that for fear of robbers they may fortify the aforesaid city of New Sarum with sufficient ramparts, and so hold it for ever, as their own demesne.)

OXFORD, 1257 (a). Et quod possint turrellas circa villam suam sustentare et edificare ad commodum nostrum et heredum nostrorum et etiam totius communitatis eiusdem ville.

(And that they may repair and build turrets around their town to the advantage of us and our heirs and also of the whole community of the same town.)

GREAT YARMOUTH, 1261. Sciatis quod ad securitatem nostram et ville nostre de Gernemuta concessimus burgensibus nostris ejusdem ville quod villam illam claudere possint muro et fossato ita quod villa illa semper clausa remaneat quamdiu dicti burgenses erga nos et heredes nostros bene et fideliter se habuerint.

(Know ye that we, for the safety of ourselves and of our town of Yarmouth, have granted to the burgesses of the same town, that they may fortify that town with a wall and ditch, so that that town may always remain fortified, so long as the said burgesses behave themselves well and faithfully towards us and our heirs.)

MONTGOMERY, 1227. Quod villam suam Montis Gomeri claudant fossato et muro.

(That they may fortify their town of Montgomery with a ditch and a wall.)

DEGANWY, 1252. *Omit suam.*

ABERYSTWYTH, 1277.

(15) Agricultural Services

LEICESTER, 1231-9¹. Sciant presentes et futuri quod ego Simon de Monte forti dominus Leycestrie, filius comitis Simonis de Monte forti, remisi et omnino quietos relaxaui de me et heredibus meis inperpetuum omnes illos denarios qui capi (MS. cepi) solebant de hominibus Leycestrie pro messura segetum de dominico Leycestrie.

(Know all men, present and future, that I Simon de Montfort, lord of Leicester, son of earl Simon de Montfort, have remised and entirely released for me and my heirs for ever all those pence which were wont to be taken from the men of Leicester for the reaping of the harvests on the demesne of Leicester.)

LAUGHARNE, 1278-82. Quod dicti burgenses sint liberi ab omni servitute (et) servicio arandi, cratandi, fenum colligendi, metendi

¹ See vol. I, p. 94.

bladum ligandi et cujuslibet generis carandi, molendinum vel ejus stagnum emendandi et ab omnimodis aliis serviciis que eis in servitute vel in dampnum possint redundare infra villam et extra.

(That the said burgesses shall be free from all servitude and service of ploughing, harrowing (?), gathering hay, reaping, tying corn and from every kind of carrying service, and of repairing the mill or its pool, and from all other kinds of services which might tend to their servitude or damage, both within the town and without.)

TENBY, 1265-94. Concessimus eciam eisdem et confirmavimus quietanciam cariagii, messionis et ligacionis colleccionis(que) tam de terris nostris quam de pratis, et omnium aliorum laborum molendinis vel domibus vel terris nostris pertinencium.

(We have also granted and confirmed to them quittance of (the services) of carriage, of reaping and binding, and of gathering, both from our arable lands and from our meadows, and of all other labour services pertaining to our mills or houses or lands.)

DENBIGH, 1282-90. Et ceaux qui tienent fors que bovees seulement ferront les services qa bovees apendent.

(And those who hold nothing but bovates only shall perform the services which pertain to bovates.)

(17) Suit of Mill and Oven¹

BARNARD CASTLE, c. 1215-29. Item, concedo pro me et heredibus meis eisdem burgensibus quod quilibet eorum possit habere et facere furnum suum proprium sine consideracione mei vel heredum meorum. Item, volo et concedo pro me et heredibus meis quod si contingat nos furnum facere in villa quod nullus burgensis nec tenentes sui teneantur ibi furnare nisi propria voluntate.

Item, quod debent molere bladum crescens super terram suam in campo Castri Bernardi ad molendinum meum Castri Bernardi ad sextum decimum vas.

Et predicti burgenses pistrine...farine pistor per obolum tantum et pistor furnum invenit eis focale sumptibus suis propriis.

(Item, I grant for myself and my heirs to the same burgesses that each of them may have and make his own oven without payment to me or my heirs.

Item, I will and grant for myself and my heirs that if we should happen to make an oven in the town, no burgess nor his tenants shall be bound to bake there except by his own will.

Item, they ought to grind their corn growing on their land in the field of Barnard Castle at my mill at the sixteenth measure.

And the aforesaid burgesses...and the baker finds them fuel at his own costs.)

¹ See footnote, p. 30. For mill-guard, see Tenby in sect. 9 above.

HAVERFORDWEST, 1219-29. Quod decetero de eis siccam molturam non capiemus nec capere faciemus.

(That from henceforth we will not take dry multure from them nor cause it to be taken.)

ABBOTS BROMLEY, 1222. Et qui bladum aliunde perquisitum ad villam de Bromle adducere voluerit, liceat ei dictum ubicunque voluerit molere antequam villam Bromleiae cum eodem ingressus fuerit.

(And he who wishes to bring corn obtained elsewhere to the town of Bromley, may have it ground wherever he pleases before entering Bromley with it.)

[*KILKENNY*, 1202-10¹. Item concessi eisdem burgensibus molturam suam in molendinis meis per thelonia rationabilia.

(Item, I have granted to the said burgesses their multure in my mills at reasonable tolls.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289-95.

CASHEL, 1230. Exceptis et nobis reservatis furno et macello ejusdem ville de Cassell.

(Excepting and reserved to us the oven and shambles of the same town of Cashel.)

SALFORD, c. 1230. (1) Nullus burgensis debet furniare panem qui sit ad vendendum nisi ad furnum meum per rationabiles consuetudines.

(No burgess should bake bread for sale except at my oven on paying reasonable dues.)

(2) Si molendinum ibi habuero, ipsi burgenses ad molendinum meum molent ad vicesimum vas: et si molendinum non habuero, ibidem molent quocunque voluerint.

(If I should have a mill there, the same burgesses must grind at my mill on payment of the twentieth measure; and if I should not have a mill there, they may grind where they will.)

BOLTON, 1253 (1).

BOLTON, 1253. Si molendina vel molendinum ibi habuerimus que molare possint, dicti burgenses expectabunt per duos dies continuos et ibi molent ad vicesimum granum. Et si infra dictum spatium molari non possint, molent ubicunque voluerint.

(If we have there mills or a mill which can grind, the said burgesses shall wait [up to] two whole days and shall there grind their grist at the twentieth grain. And if within the said time they cannot grind, they may grind their corn wherever they will.)

¹ Vol. I, p. 97.

STOCKPORT, c. 1260. Si predicti burgenses voluerint furniare panem ad vendendum, debent furniare ad fornacem meam si habeam fornacem in villa de Stokeport, et si non habeam fornacem, furniant ubicunque voluerint.

(If the aforesaid burgesses wish to bake bread for sale, they ought to bake it at my oven if I have an oven in the town of Stockport, and if I have none, they may bake where they will.)

STOCKPORT, c. 1260. Predicti burgenses debent molere omnia blada sua crescentia super terram suam infra metas de Stokeport vel blada moram facientia in villa de Stokeport ad molendinum vel molendina mea ad sextum decimum vas, si habeam molendinum vel molendina infra divisas de Stokeport.

(The aforesaid burgesses ought to grind all their corn growing on their land within the boundaries of Stockport or corn stored in the town of Stockport, at my mill or mills on payment of the sixteenth measure, if I have a mill or mills within the bounds of Stockport.)

MANCHESTER, 1301. Burgenses predicti sequentur molendinum domini predicti et ejus furnum, reddendo consuetudines predicti molendini et predicti furni, ut debent et solent.

(The burgesses aforesaid shall do suit to the mill of the lord aforesaid and his oven, rendering the dues of the aforesaid mill and oven, as they ought and are wont to do.)

LEICESTER, 1231-9. (Remisi et relaxavi) et omnes insimul denarios qui capi (MS. cepi) solebant de carectis et vecturis portantibus bladum hominum de Leycestria ad alia molendina quam ad molendina mea de Leycestria, Salva tamen mihi et heredibus meis multura, dum tamen ad molendina mea de Leycestria invenire possunt multuram sine impedimento et dilacione.

((I have remised and released) also all those pence which were wont to be taken from every wagon and vehicle carrying corn of the men of Leicester to other mills than my mills of Leicester, Saving to me and my heirs the multure, so long as they can find grinding (for their corn) at my mills of Leicester without hindrance and delay.)

MACCLESFIELD, 1261. Et quod molent blada sua ad molendina nostra ad vicesimum granum sicut molere consueverunt...salva nobis libertatem furni nostri ejusdem burgi.

(And that they grind their corn at our mills at the twentieth grain, as they were wont to grind it...saving to us the liberty of our oven in the same borough.)

AGARDSLEY, 1263. Preterea concessi eisdem quis illorum vult¹ habere furnum ad proprium panem faciendum sed nihil ad vendendum. Preterea concessi eisdem molere ubicunque voluerint sine impedimento vel aliqua contradiccione.

¹ *Sic* for "quod aliquis illorum possit" or the like.

(Moreover I have granted them that if any of them wishes, he may have an oven for making his own bread but not for sale. Moreover I have granted them that they may grind wherever they will without hindrance or any contradiction.)

MORPETH, 1239-66 (c). Item sciendum quod dicti burgenses et heredes eorum sequentur molendina mea de Morpath ad tertium decimum vas multure, sicut prius consueverunt.

(Also, be it known that the said burgesses and their heirs shall do suit to our mills of Morpeth on payment of the thirteenth measure as multure, as they were wont to do.)

WARTON, 1246-71. Quod sint quieti de multura de blado crescente in toftis eorundem burgensium.

(That they be quit of multure for the corn growing in the tofts of the same burgesses.)

CONGLETON, 1272-c. 1274. Et quod molant blada sua ad molendinum nostrum de Congulton ad vicesimum granum, dum molendinum fuerit sufficiens.

(And that they grind their corn at our mill of Congleton, on payment of the twentieth grain, so long as the mill is sufficient.)

LISKEARD, 1275. Et quod alia molendina suis sumptibus propriis apud Bodgara levant et constituent, si voluerint, dummodo alia molendina prenominata et ea in bono statu sustineant.

(And that they may raise and form other mills at Bodgara, at their own costs, if they will, so long as they keep them and the beforementioned mills in good repair.)

BAKEWELL, 1286. Quod quilibet burgensis licite possit construere sibi furnum in solo suo ac constructum libere habere, in quo panem decoquat, dum tamen mercimonium de eodem pane non faciat.

(That any burgess may lawfully construct for himself on his own ground, and hold freely when made, an oven in which he may bake bread, so long as he does not sell such bread.)

BAKEWELL, 1286. Et quod burgenses et libere tenentes predictae ville presentabunt balliuo meo molendinarios competentes. Ita, scilicet, quod magister molendinarius per ballium meum admissus et acceptatus sumptibus meis sustentabitur, et alii minores molendinarii erunt ad custus molencium ad molendinum. Volo etiam et concedo quod molendinarii mei dies et horas ad molendinum causa molendi accedentibus per eosdem assignatas fideliter obseruent, dum tamen subitum impedimentum per fracturam molendini vel per bladum meum seu per bladum rectoris de Bauquell' a casu superueniens inopinate non contigerit quominus hore prius assignate poterunt obseruari. Et si in aliis quam predictis casibus hore molendini assignate non fuerint

obseruate, concedo ad molendinum meum cum blado suo molendo venientibus quod absque donacione multure et calumpnia licite possunt cum blado suo aliud molendinum adire.

(And that the burgesses and freeholders of the said town shall present to my bailiff competent millers; so, namely, that the master miller, admitted and accepted by my bailiff, shall be supported at my cost, and the other lesser millers shall be at the cost of those grinding at the mill. I also will and grant that my millers do faithfully observe the days and hours fixed by them for those coming to the mill to have their corn ground, provided no sudden hindrance arises, through the breaking of the mill or the accidental and unexpected arrival of my corn or that of the rector of Bakewell, to prevent the observance of the hours previously fixed. And if in any but the cases before described the hours fixed for the mill be not observed, I allow that those coming to my mill with corn to be ground may lawfully go with it to another mill without payment of multure or (incurring a) claim.)

DENBIGH, 1282-90. Et toux les Burgeis manauntz en la ville de Dynebieghe dedenz les murs, et lour heirs et lour assignez avaunt ditz, moudrout lour bledz et lour breees a noz molins de Dynebieghe et de Astret al vintisme vassel.

Et toux les avaunt ditz burgeis et lour heirs et lour assignez avaunt ditz qui naverount propre furne, furniront a notre commun furne dedenz meisme la ville.

(And all the burgesses dwelling in the town of Denbigh within the walls, and their heirs and assigns aforesaid, shall grind their corn and their malt at our mills of Denbigh and Astred at the twentieth measure. And all the aforesaid burgesses and their heirs and assigns, who have no oven of their own, shall bake at our common oven within the same town.)

ORMSKIRK, c. 1286. Item, quod molent ad molendina nostra, cum molendina habuerimus, ad vicesimum granum sine secta.

(Further, that they grind at our mills, when we have mills, at the twentieth grain without suit.)

ALTRINCHAM, c. 1290. Volo etiam quod burgenses mei molent omnia blada sua super terram de Altringham crescentia, vel in eadem villa herbergata, ad molendina mea pro octavo decimo vas multure.

(I will also that my burgesses grind all their corn growing on the land of Altrincham, or stored in the same town, at my mills for the eighteenth measure.)

ALTRINCHAM, c. 1290. Salva mihi et heredibus meis libertate furni nostri in eodem burgo.

(Saving to me and my heirs the liberty of our oven in the same borough.)

KNUTSFORD, c. 1292. Et quod dicti burgenses molant blada sua ad molendinum meum de Knotisford pro vicesimo grano; et si contigerit quod molendarius aliquod dampnum sutoribus ad molendinum fecerit, per vicinos suos secundum quantitatem delicti in curia emendabit:

et quicumque dictorum burgensium panem desiderat obtinere in furno pastum infra quatuor portas ville, pro quoquo bussello unum obolum furnario meo prestabit; et quod nullus eorum infra quatuor portas ville nullum furnum elevabit.

(And that the said burgesses shall grind their corn at my mill of Knutsford at the twentieth grain: and if it happen that the miller do any damage to the suitors of the mill, he shall make amends in court according to the extent of his fault: and whoever of the said burgesses desires to obtain bread from the oven for food within the four gates of the town, he shall pay to my baker one halfpenny for each bushel (of flour): and that none of them shall build an oven within the four gates of the town.)

CHESTERFIELD, 1294. Et habebunt¹...molas suas manuales in burgagiis suis....Et eciam furna ad furniandum panem suam propriam sine pane braciato qui de modo debet furniari ad furnam meam et heredum meorum....

Et pistores ementes bladum infra villam vel habentes bladum ad furniandum panem ad vendendum, cujuscunque fuerit, non expectabunt ad molendum bladum suum ad molendinum meum et heredum meorum nisi per unum diem et per unam noctem tantum premunito molendinario. Et si tunc molere non possint, ducant bladum suum ad molendum ubi voluerint. Et furniabant panem ad vendendum ubi voluerint, excepto pane braciato, ut predictum est.

(And they shall have their hand-mills in their burgages...and also their ovens for baking their own bread, except malted bread² which ought to be baked at the oven of myself and my heirs....And bakers, buying corn within the town, or having corn for baking bread for sale, whosoever it may be, shall not wait for grinding their corn at my mill or at that of my heirs for more than a day and a night, having given due notice to the miller. And if then they cannot grind it, they may take it where they will to be ground. And they may bake bread for sale where they will, except malted bread, as is aforesaid.)

OXFORD UNIVERSITY, 1305 (a). Edwardus &c. ballivis Margaretae, reginae Angliae, consortis suae, de Oxon. Salutem. Quia ex querela magistrorum [et] scolarium universitatis Oxon. accepimus quod quidam molendina in villa predicta et ejus suburbio habentes per molendinarios suos dictorum molendinorum quandam portionem farinae pro multura cujuslibet quarterii bladi ultra certam multuram inde debitam capi fecerunt, et hucusque faciunt minus juste in ipsorum magistrorum etscolarum et aliorum ibidem molentium et commorantium damnum non modicum et contra consuetudinem antiquitus ibidem obtentam et usitatam, Nolentes igitur consuetudinem aliquam ad commune gravamen populi nostri voluntarie et de novo introductam in aliquo observari,

¹ Rights of pasture inserted here (see II A 7).

² This is Mr Ballard's version. Ducange suggests a cake, or bread baked in embers (*Glossarium* s.v. braciatus).

vobis precipimus quod ad molendinam predictam nihil ultra id quod juxta consuetudinem antiquitus ibidem obtentam et usitatam pro hujusmodi multura capi consuevit de cetero capi permittatis per quod in vestri defectum querela ad nos ex causa predicta perveniat iterata.

(Edward I to the bailiffs of Margaret queen of England, his consort, of Oxford, Greeting. Whereas from the complaint of the masters and scholars of the university of Oxford, we have learnt that certain having mills in the town aforesaid and its suburb, by their millers of the said mills have caused and still unjustly cause to be taken a certain portion of flour for the multure of each quarter of corn beyond the fixed multure thence due, to the great loss of the same masters and scholars and of others grinding and sojourning there, and contrary to the custom anciently observed and in use there, We, being unwilling that any custom voluntarily and newly introduced should in any wise be observed to the common loss of our people, command you that at the aforesaid mill, you permit henceforth nothing to be taken beyond that which according to the custom anciently observed and in use there was wont to be taken for multure of this kind, so that by your default a repeated complaint shall not come to us from the aforesaid cause.)

(18) Burgess's Right to dispose of his Chattels

BOLTON, 1253. Catalla etiam sua poterit (burgensis) cuicunque voluerit dare, salvo similiter jure nostro.

(Every burgess may give his chattels to whom he will, saving likewise our due.)

MANCHESTER, 1301. Liceat predictis burgensibus tradere catalla sua propria cuicunque voluerint in feodo predicti domini libere sine licentia predicti domini.

(It shall be lawful for the aforesaid burgesses to deliver their chattels to whomsoever they will in the fee of the aforesaid lord, freely and without the license of the aforesaid lord.)

(19) Disallowance of Unjust Customs

[*WINCHESTER*, 1155-8. Et si aliquae consuetudines injuste levatae sunt in guerra, cassatae sint.

(And if any customs were unjustly raised during the war, they shall be disallowed.)]

WARENMOUTH, 1247.

(20) Miscellaneous Privileges

WYCOMBE, 1226. (Fine.) Et idem Alanus et heredes sui habeant fima inventa in vicis de Wycumb, sicut idem Alanus ea prius habere consuevit.

(And the said Alan and his heirs shall have the manure found in the streets of Wycombe, as the said Alan was formerly wont to have it.)

FAVERSHAM, 1252. Et den et strand apud Jernemuam, sicut ipsi et antecessores sui et combarones sui de quinque portibus eam melius, plenius, et honorificencius habuerunt tempore regis Eduuardi et aliorum predecessorum nostrorum regum Anglie.

(And den and strand at Yarmouth, as they and their ancestors and their fellow barons of the Cinque Ports best and most fully and honourably had it in the time of king Edward and of our other predecessors, kings of England.)

AGARDSLEY, 1263. Et preterea concessi eisdem quod habeant de dono meo quolibet anno unum damum in foresta mea de Nedewod ad nundinas suas celebrandas. Concessi eciam eisdem in quolibet die nundinarum suarum unam pipam vini dictis nundinis celebrandis per spacium septem annorum proximo sequencium.

(And moreover I have granted to them of my own gift one buck in my forest of Needwood every year for celebrating their fair. I have also granted them on every day of their fair, one pipe of wine for celebrating their said fair for the space of seven years next following.)

CINQUE PORTS, 1278. Et quod habeant den et strand apud Gernemutham, secundum quod continetur in ordinacione per nos inde facta et perpetuo observanda....Et quod habeant inventiones suas in mari et in terra. Et quod quieti sint de omnibus rebus suis et toto mercato suo sicut nostri liberi homines.

Et quod habeant honores suos in curia nostra et libertates suas per totam terram nostram, quocunque venerint¹.

(And that they have den and strand at Great Yarmouth, according to what is contained in the ordinance thereof by us made and for ever to be observed.

And that they have their findings by sea and land. And that they be quit concerning all their goods and all their merchandise as our free men.

And that they have their honours in our court and all their liberties throughout all our land, wherever they come.)

FAVERSHAM, 1302. Lines 4, 5. *Omit* Et quod...liberi homines.

SWANSEA, 1306. Nec quisquam balliuorum nostrorum impostorum vicecomes denominetur.

(Nor shall any of our bailiffs henceforth be entitled sheriff.)

(21) Forced Service as Officials²

CHESTERFIELD, 1226-7. (Fine.) Preterea dictus Willelmus Briwerr concessit eisdem burgensibus quod nullus eorum fiet prepositus in villa de Cestrefeld nisi per liberam voluntatem eorum.

(Moreover the said William Brewer has granted to the said burgesses that none of them shall be made reeve in the town of Chesterfield except by his own free will.)

¹ An expansion of the Hastings charter, 1155-8 (see vol. I, p. 99). See also Faversham, 1252 above. For documents relating to the exercise of these rights at Yarmouth, see Jeakes, *Charters of the Cinque Ports*.

² See also p. 352 (Berkeley).

DUNSTER, 1254-7. Noverit universitas vestra me concessisse, relaxasse et quietum clamasse in perpetuum pro me et heredibus meis et omnibus aliis qui post me quocunque modo domini vel custodes aut ballivi de Dunsterre fuerint, quod burgenses illius ville aut heredes sui nullo modo de cetero contra voluntatem suam fiant prepositi, vel firmarii de portu maris aut tholoneto ipsius burgi vel de molendinis eiusdem ville.

(Be it known to you all that I have granted, released and quit-claimed for ever for myself and my heirs and all others who by any means after me may become lords or wardens or bailiffs of Dunster, that the burgesses of that town or their heirs shall in no manner against their will be made reeves, or farmers of the seaport or the toll of the same borough or of the mills of the said town.)

WARTON, 1246-71. Quod nullus burgensis, se invito, capietur ad molendina mea sive furnos meos custodiendos.

(That no burgess be taken, against his will, to keep my mills or my ovens.)

LAUGHARNE, 1278-82. Et quod non habeant aliquod alium officium emptoris¹, mutuationis vel alterius cujuscunque servitutis que eis nocere possit infra villam et extra.

(And that they shall not have any other office of buyer, borrowing or any other servitude whatsoever which could injure them within the town and without.)

ULVERSTON, 1284. Sciant presentes et futuri quod ego Rogerus de Lancastre concessi et...quietum clamavi omnes burgenses meos comorantes in burgo meo de Ulverston in Furn', et heredes suos, seu assignatos, quietos et absolutos ab omni officio camerarii; ita quod nec ipsi nec heredes sui, assignati, seu successores, per me nec heredes meos, seu assignatos, possint compelli ad aliquid recipiendum, vel aliquo alio modo eos onerandum, nisi tantummodo de hiis que ad burgagea sua² tantum pertinent; nec ad aliud aliquid faciendum, quam [quod] burgenses de Kirkeby in Kendale faciunt.

(Be it known to present and future persons that I Roger de Lancaster have granted and...quit-claimed all my burgesses dwelling in my borough of Ulverston in Furness, and their heirs or assigns, quit and absolved from the office of chamberlain in any form; so that neither they nor their heirs, assigns, or successors can be compelled by me, or my heirs or assigns, to act as receiver of anything, or in any other way burden themselves, except only in regard to those things which belong to their burgages only; nor to do anything but what the burgesses of Kendal do.)

¹ Query for "emptonis."

² According to West the original read "burgareas suas."

SWANSEA, 1306. Neque aliquis cogatur nobis deseruire, nisi fuerit conducticius qui pre aliis nobis pro rationabili stipendio deseruire tenetur.

(Nor shall anyone be compelled to serve us unless he be a hired servant who is bound to serve us beyond others in return for a reasonable stipend.)

SWANSEA, 1306. Burgensibus vero nostris predictis et de eorum manupastu existentibus concedimus quod decetero liberi sint a custodia confugiencium ad ecclesiam, nec onerentur aut in aliquo obnoxii teneantur pro eorundem euasione.

(To our aforesaid burgesses, moreover, and to those of their mainpast, we grant that in future they shall be free from the duty of guarding those who take sanctuary in the church, and that they shall not be burdened or in any respect held responsible for the escape of such persons.)

III. BURGESS FRANCHISE

(1) Free Burgesses

HARTLEPOOL, 1230. Noverit universitas vestra nos (Ricardum episcopum Dunelmensem), de assensu Radulfi prioris et capituli nostri Dunelmensis, dedisse, concessisse et hac presenti carta nostra confirmasse hominibus de villa de Hertilpole quod sint liberi burgenses¹.

(Know ye that we (Richard Bishop of Durham), with the consent of Ralph, prior, and our chapter of Durham, have given, granted and by this our present charter confirmed to the men of the town of Hartlepool that they shall be free burgesses.)

Quod dicti burgenses habeant bonas et rectas libertates et liberas consuetudines sicut liberi burgenses.

(That the said burgesses shall have good and right liberties and free customs as free burgesses.)

LISKEARD, 1240. Et burgenses eiusdem burgi sint liberi.

(And that the burgesses of the same borough be free.)

DUNHEVED, 1225-56. Et nostri burgenses de eodem burgo et omnes homines ad libertatem eiusdem burgi pertinentes liberi sint ubicunque fuerint.

(And that our burgesses of the same borough and all men pertaining to the liberties of the said borough shall be free (burgesses) wherever they are.)

TINTAGEL, 1225-57. Line 1. *For nostri read omnes.*

LYDHAM, 1270. Et (quod) homines eiusdem villae liberi sint burgenses, sicut burgenses aliorum burgorum regni nostri.

(And that the men of the same town be free burgesses, like the burgesses of other towns of our realm.)

CLIFTON, 1270. (To Roger de Mortimer.)

WINDSOR, 1277. Et quod probi homines nostri eiusdem villae et eorum heredes et successores liberi burgenses sint.

(And that the good men of the same town and their heirs and successors be free burgesses.)

CONWAY, 1284. Et quod homines nostri eiusdem villae liberi sint burgenses.

(And that our men of the same town be free burgesses.)

CARNARVON, 1284.

CRICCIETH, 1284.

HARLECH, 1284.

BERE, 1284.

¹ King John's grant to the same effect in 1201 (vol. I, p. 101) was renewed by Henry III in 1234.

FLINT, 1284.

RHUDDLAN, 1284.

LYME (REGIS), 1284.

CAERWYS, 1290.

Line 1. *Omit nostri.*

For eiusdem villae read eundem burgum inhabitantes.

OVERTON, 1292.

BEAUMARIS, 1296.

HULL, 1299.

"RAVENSEROD," 1299.

BERWICK-ON-TWEED, 1302. *Omit nostri.*

NEWBOROUGH (Anglesey), 1303. *As Caerwys.*

CHESTERFIELD, 1294. *Et quod sint liberi burgenses in perpetuum.*

(And that they be free burgesses for ever.)

KIRKHAM, 1296. *Et burgenses eius[dem] burgi et heredes eorum et eorum assignati liberi [sint burgenses].*

(And that the burgesses of the said borough and their heirs and assigns shall be free burgesses.)

"SKYNBURGH," 1301. *Et quod homines eundem burgum inhabitantes et inhabituri sint liberi burgenses.*

(And that the men who do and shall inhabit the said borough shall be free burgesses.)

KIRKBY JOHANNIS, 1305.

(2) Freedom to Sons¹ of Burgesses

CHESTERFIELD, 1294. *Similiter et seniores filii eorum habebunt easdem libertates et liberas consuetudines, licet non habeant burgagia, viventibus antecessoribus et patribus eorundem et tenentibus burgagia unde erunt heredes, et ceteri aut filii aut filie burgensium habebunt libertates et liberas consuetudines, si mercandiare voluerint, et dabunt mihi et heredibus meis annuatim tres denarios pro libertatibus habendis donec sibi burgagia adquisierint, et tunc dabunt mihi et heredibus meis ad ingressum quattuor denarios et bedello unum denarium et clerico unum denarium ad ponendum nomen eorum in rotulo, et tunc non dabunt amplius tres denarios per annum.*

(Likewise also their eldest sons shall have the same liberties and free customs, although they have no burgages during the lifetime of their ancestors and fathers who hold burgages of which they will be the heirs, and the other children, either sons or daughters of the burgesses, shall have the liberties and free customs, if they wish to traffic, and shall pay to me and my heirs three pence a year for having these liberties until they acquire burgages, and then they shall pay me and my heirs four pence on entry, and to the beadle one penny, and to the clerk one penny for entering their name on the roll, and then they shall no longer pay their three pence per annum.)

¹ See p. 135.

(2 a) Freedom by Marriage to Heiress of Burgess

CHESTERFIELD, 1294. 'Et si filie burgagia tenentes se maritare voluerint, tunc mariti filiarum venient ad proximam curiam et dabunt mihi et heredibus meis 4d. et bedello 1d. et clerico 1d., ut prius dictum, et filii eorum erunt burgenses, et mariti filiarum burgagia tenentes per legem Anglie post mortem uxorum suarum erunt burgenses in tota vita sua, et heredes de dicta muliere procreati, et filii et filie, habebunt libertates predictas in perpetuum; et si maritus adquisierit sibi burgagium vivente uxore sua, ipse et heredes sui erunt burgenses in perpetuum.

(And if daughters holding burgages wish to marry, their husbands shall come to the next court and shall pay 4d. to me and my heirs and 1d. to the beadle and 1d. to the clerk, as is aforesaid, and their sons shall be burgesses; and the husbands of heiresses holding their burgages by the courtesy of England after the death of their wives, shall be burgesses for their whole lives, and the heirs begotten of the said woman, both sons and daughters, shall have the aforesaid liberties for ever; and if a husband acquire a burgage during the life of his wife he and his heirs shall be burgesses for ever.)

(2 b) Freedom of Widow (?) and Second Husband

CHESTERFIELD, 1294. Et vidue dotate rerum¹ secundi viri in tota vita viduarum tenentium burgagia in dotem erunt burgenses, ut prius dictum est de maritis filiarum. Sed viri talium viduarum non habebunt libertates post mortes uxorum suarum nisi medio tempore sibi burgagia adquisierint.

(And widows dowered with property [...] second husbands during the whole life of widows who hold burgages in dower shall be burgesses, as is aforesaid concerning the husbands of heiresses². But the husbands of such widows shall not have the liberties after the death of their wives, unless in the meantime they have acquired burgages for themselves.)

(3) Freedom by Occupation of Burgage. Tenants of Burgesses

[*KILKENNY*, 1202-10³. Concessi etiam burgensibus meis quod possint per viginti pedes terrae liberos facere tenentes suos ita quod communem habent cum burgensibus libertatem.

¹ Reorum, MS. The scribe elsewhere wrote "rea" for "res."

² The early part of this clause is either defective or extraordinarily clumsy. It is surely plain from the reference to the previous clause (2 a) that "secundi viri" is in the nominative plural with "erunt burgenses" as the predicate, not genitive singular depending on "rerum," as Mr Ballard took it. I have suggested in the translation that the scribe has dropped the end of a sentence after "rerum," which would be easy if it dealt with the widows' freedom in similar terms to that of their husbands.

³ Vol. I, p. 50. For tenants of burgesses, see also II A 7 (Bakewell, 1286).

(I have granted also to my burgesses that by giving land with a frontage of twenty feet they may make their tenants free so that they have common liberty with the burgesses.)]

CARLOW, 1223.

Line 2. *After possint insert de tenementis suis.*

MOONE, 1223. As Carlow.

NEW ROSS, c. 1279. Do.

ROSBERCON, 1289-95. Do.

UTTOXETER, 1252. We have granted also to the said burgesses and to their heirs as abovesaid that they may take within themselves upon their burgages aforesaid chapmen and other freemen whom they will, enfeoffing them or granting them other easements within the said borough without injury to the same and without hindrance of us and our heirs, saving our services in all.

ORMSKIRK, c. 1286. Quod quicumque toftum infra burgum habuerit reddat nobis pro tofto sex denarios ad terminos predictos et habeant (*sic*) omnes libertates superius scriptas.

(That whoever shall have a toft within the borough shall pay to us for the toft six pence at the aforesaid terms and shall have all the liberties above written.)

CHESTERFIELD, 1294. Et si filii vel filie burgensium dantes libertatem per annum, scilicet tres denarios, sibi burgagia adquisierint vel de dono, legato, empcone aut de jure aut aliquo alio modo, tunc non dabunt amplius tres denarios ad libertatem per annum¹.

(And if the sons or daughters of the burgesses who pay their fees for the freedom, to wit, three pence per annum, acquire burgages for themselves either by gift or devise or purchase or by law or in any other way, they shall no longer pay their three pence per annum for their freedom.)

CHESTERFIELD, 1294. Et omnes qui tenent de me et heredibus meis ab antiquo, et modo tenent, et postea tenebunt, habebunt libertates predictas.

(And all who hold of me and my heirs of old, and who now hold, and who shall hereafter hold, shall have the liberties aforesaid.)

(3a) Freedom on Payment of Fees

CHESTERFIELD, 1294. Et si vendiderint burgagia vel redditus que pro burgagiis mihi et heredibus meis per annum reddunt, aut redere solebant aut debent, tunc, si voluerint, reddant mihi et heredibus meis 3d. per annum pro libertatibus habendis².

(And if they shall sell the burgages or the yearly rents which they pay for burgages to me and my heirs, or were wont and ought to pay, then, if they wish, they may pay me and my heirs 3d. yearly to have the liberties.)

¹ Cf. sect. 3a below. The use of "liberty" for the payment as well as the right in line 2, is noteworthy.

² This clause follows that printed just above.

(4) Freedom by Residence for Year and Day¹

LINCOLN², 1227. Confirmo etiam eis quod si aliquis natus manserit in civitate mea Lincolniae per annum et unum diem sine calumpnia, extunc ut in antea remaneat in pace in civitate Lincolniae sicut civis meus sine placito.

(I confirm also to them that if any native remain in my city of Lincoln for a year and a day without challenge, thenceforward as heretofore, he shall remain peacefully in the city of Lincoln as my citizen.)

HEREFORD³, 1227. Si vero aliquis natus alicuius in prefato burgo manserit et terram in eo tenuerit et fuerit in prefata gilda et hansa et lot et scot cum eisdem burgensibus per unum annum et unum diem, deinceps non possit repeti a domino suo sed in eodem burgo liber permaneat.

(But if any man's serf remain in the aforesaid borough and hold land in it, and be in the guild aforesaid and in hanse and lot and scot with the same burgesses for a year and a day, thenceforward he cannot be recovered by his lord, but shall remain in the same borough a free man.)

MONTGOMERY, 1227.

Line 1. *Omit* vero.

3. *For* lot et scot *read* loth et scoth.

4. *After* diem *insert* sine calumpnia.

BRIDGENORTH, 1227 (*b*).

Line 4. *After* diem *insert* sine calumpnia.

GLOUCESTER, 1227.

Line 2. *For* terram in eo *read* se.

SHREWSBURY, 1227 (*a*).

Line 2. *For* terram in eo *read* se.

WORCESTER, 1227.

Line 2. *For* terram in eo *read* se.

4. *After* diem *insert* sine calumpnia.

DEGANWY, 1252. As Montgomery.

BRECON, 1277-82. Do.

Line 2. *After* burgo *insert* vel villa de Luwell.

3. *Read* ad scot et lot.

ABERYSTWYTH, 1277. As Montgomery.

RHUDDLAN, 1278. Do.

BUILTH, 1278. Do.

CONWAY, 1284. Do.

CARNARVON, 1284. Do.

CRICCIETH, 1284. Do.

BERE, 1284. Do.

HARLECH, 1284. Do.

FLINT, 1284. Do.

RHUDDLAN, 1284. Do.

¹ Cf. sect. 8 below.

² Cf. Lincoln, 1157 (vol. I, p. 104).

³ Cf. Hereford, 1215 (vol. I, p. 104). The Preston custumal (early fourteenth century) has the clause as above, reading "villa" for "burgo" (*Eng. Hist. Rev.* xv, 496).

OVERTON, 1292. As Montgomery.

Line 2. *For gilda read villa.*

3. *For burgensibus read hominibus.*

BEAUMARIS, 1296. As Montgomery.

BERWICK-ON-TWEED, 1302. Do.

WEST LOOE, ? 1243. Quod si aliquis residens fuerit per unum annum et unum diem in eodem burgo sine justa calumpnia secundum legem aliorum liberorum burgensium quietus ab omni nativitate et servitute remaneat.

(That if any person be resident for a year and a day in the said borough without just claim (to him) according to the law of other free burgesses, he shall remain quit from all serfdom and servitude.)

BODMIN, 1225-57. Et si aliquis in eadem villa ad gildam mercandam iuste presentatus fuerit, et ibidem per annum et diem sine contradictione remanserit per visum predictæ ville, si aliquis eum calumpniaverit in ejusdem ville libertate remaneat.

(And if any one in the same town be properly presented to the merchant guild, and remain there for a year and a day without contradiction, under the view of the said town, if any claim him, he shall remain in the liberty of the same town.)

WELSHPOOL, 1241-c. 1286. Ita quod si aliquis nativus extraneus veniat in prefato burgo, et terram (teneat, et sit in scott et cum lott) cum prefatis burgensibus per unum annum et unum diem, liber ibidem maneat et nunquam domino suo liberetur.

(So that if any foreign native shall come to the aforesaid borough, and hold land, and be in scot and with lot with the aforesaid burgesses for a year and a day, he shall remain there free, and shall never be delivered to his lord.)

LLANFYLLIN, after 1286.

(5) Freedom by Royal Grant

SOUTHAMPTON, 1303. Sciatis quod cum nuper pro bono servicio quod dilectus serviens Johannes de London de Burdigala nobis et nostris in partibus Vasconie et alibi hactenus impendisset concesserimus ei quod liber burgensis noster ville nostri Suth' sit, et quod libertatibus et liberis consuetudinibus quibus burgenses eiusdem ville ex concessione progenitorum nostrorum, quondam regum Anglie, et nostra usi sint et gavisi uti valeat et gaudere, et quod idem Johannes de tallagiis, auxiliis et contributionibus quibuscunque dictam villam contingentibus suo perpetuo sit quietus, prout in litteris nostris patentibus ei inde confectis plenius continetur, Nos eidem Johanni intuitu servicii sui predicti gratiam facere volentes uberiores in hac parte concessimus quod ipse et Blanchia uxor eius et Andreas, Johannes et Henricus ac Meresina et Alicia, filii et filie ipsorum Johannis et Blanche, liberi burgenses

nostre ville predicte sint, et quod ipsi libertatibus quibus ceteri burgenses ville predicte usi sunt totis temporibus vite sue gaudeant et utantur ac etiam quod ipsi de tallagiis auxiliis et contributionibus quibuscunque dictam villam contingentibus suo perpetuo sint quieti.

(Know ye, that whereas we lately, in consideration of the good service which our beloved serjeant John of London of Bordeaux has rendered to us and ours in the parts of Gascony and elsewhere, have granted to him that he should be a free burgess of our town of Southampton and that he should have the right to use and enjoy the liberties and free customs which the burgesses of the said town use and enjoy by the grant of our ancestors, formerly kings of England, and ourselves, and that the said John should be free for ever from tallages, aids and contributions of any kind affecting that town, as in our letters patent made for him thereon is more fully contained, We, wishing to show more abundant favour to the said John, in consideration of his aforesaid service, have granted that he and Blanche, his wife, and Andrew, John and Henry and Meresina and Alice, sons and daughters of the same John and Blanche, shall be free burgesses of our aforesaid town and shall enjoy and use etc. (as in the previous grant to John alone).

(6) Scot and Lot¹

STIRLING, 1226². Precipimus etiam ut omnes qui manent in burgo nostro de Strivelin, et cum burgensibus nostris communicare ad forum voluerint, communicent cum illis ad auxilia mea reddenda, cujuscunque homines sint.

(We ordain also that all who dwell in our burgh of Stirling, and wish to be in community with our burgesses at market, shall be in community with them in paying our aids, whosoever men they may be.)

WATERFORD, 1232. Concessi autem eis quod neque Templarii neque Hospitalarii habeant aliquem hominem vel aliquod messagium quietum de communibus consuetudinibus civitatis infra predictas metas, nisi unum solum. [Cf. Dublin, vol. I, p. 109.]

(I have granted also to them that neither the Templars nor the Hospitallers shall have any man or any messuage quit of the common customs of the city within the aforesaid bounds, except one only.)

CORK, 1242.

DROGHEDA (Louth), 1253.

Line 1. *For* Concessi...eis *read* Et.

For neque...neque *read* vel...vel

2. *Before* habeant *insert* non.

3. *Omit* civitatis...metas.

LIMERICK, 1292. As Waterford.

NORWICH, 1229. Quod omnes hii qui residentiam habent in civitate Norwici, et qui communicaverunt libertatibus quas concessimus eisdem civibus Norwici, tallientur et auxilium dent sicut predicti cives Norwici, quando tallagia et auxilia super eos posita fuerint.

¹ See also V B 4 (Shrewsbury, 1227) and V B 13 (Chesterfield, 1294).

² Cf. Perth, 1165-1214 (vol. I, p. 109).

Quod si aliquis a consuetudinibus eorum et scottis se foras miserit, ad eorum societatem et consuetudinem revertatur et scottum ipsorum sequatur, ita quod nullus inde sit quietus.

(That all those who reside in the City of Norwich and share in the liberties which we have granted to the said citizens of Norwich, shall be tallaged and pay aid in like manner as the citizens aforesaid, whenever tallages and aids are imposed on them.)

That if any person has absconded from their customs and scots, he shall return to their society and customs and shall pay scot with them, so that none be quit thereof.)

NORWICH, 1256. Et quod singuli mercatores communicantes libertatibus suis et mercandisis sint ad lottum et scottum eorundem civium et ad auxilia praestanda, ubicunque fecerint residentiam, sicut esse debent et solent.

(And that all merchants sharing in their liberties and merchandise, shall be at lot and scot with the said citizens and shall pay aid, wherever they have their residence, as they ought and are used to do.)

SCARBOROUGH, 1253 (b). Et quod illi qui sint ad lot et scot in eodem burgo non sint de cetero immunes vel quieti de tallagiis, auxiliis vel aliquibus aliis omnibus assidendis in eodem burgo.

(And that all those who are at lot and scot in the same borough shall not henceforth be immune or quit of tallages, aids or any other taxes to be assessed on all in the same borough.)

RETFORD, 1259. Quod quicunque manserit in dicto burgo et terram vel redditum in eo habuerit, cujuscunque feodi sit, contribuat cum aliis burgensibus ad tallagia, auxilia et alia onera ejusdem burgi sicut facere consuevit, nisi specialem inde habeat quietanciam per cartas predecessorum nostrorum regum Anglie vel nostras.

(That whoever shall dwell in the said borough and have land or rent therein, of whosoever fee he may be, shall contribute with the other burgesses to the tallages, aids and other burdens of the same borough as he was wont to do, unless he have a special quittance therefrom by the charters of our predecessors, kings of England, or of ourselves.)

LANARK, 1285. Volumus et precipimus quod omnes manentes in burgo nostro de Lanark cum dictis burgensibus nostris communicantes contribuant ad auxilium nostrum cum eisdem burgensibus de Lanark.

(We will and command that all the inhabitants of our burgh of Lanark sharing with our said burgesses, shall contribute to our aids with the said burgesses of Lanark.)

CINQUE PORTS, 1298 (b). Considerantes quod navigium nostrum Quinque Portuum non absque magnis sumptibus et expensis poterit sustentari, ne navigium illud deficiat vel pereat in futurum, concessimus pro nobis et heredibus nostris quod omnes illi de Quinque Portibus predictis et alii quicunque advocantes se de libertate eorundem et inde

gaudere volentes contribuant, videlicet, quilibet eorum juxta facultates suas, ad faciendum servicium nostrum et heredum nostrorum de navibus suis, cum a nobis vel heredibus nostris hoc habuerint in mandatis.

(Considering that our shipping of the Cinque Ports cannot be sustained without great cost and expense, in order that that shipping may not fail or perish in future, We have granted, for us and our heirs, that all the men of the Cinque Ports aforesaid and all others who avow themselves to be of their liberty and wish to enjoy the same, shall contribute, to wit, each according to his means, to the performance of our service and the service of our heirs, from their own ships, when they have this in command from us or our heirs.)

NEWCASTLE-ON-TYNE, 1298¹. Et quod iidem homines et tenentes terrarum et tenementorum predictorum in Pampeden et eorum heredes predictis burgensibus et probis hominibus ville Novi Castri et eorum heredibus et ballivis eiusdem ville sicut eorum comburgenses de cetero respondeant et intendant in omnibus que contingunt libertatem supradictam.

(And that the said men and tenants of the aforesaid lands and tenements in Pandon shall, as being their fellow-burgesses, answer to and shall assist the aforesaid burgesses and good men of the town of Newcastle and their heirs and the bailiffs of the said town in all matters relating to the aforesaid liberty.)

HULL, 1299. Et quod omnes illi de burgo predicto libertatibus et liberis consuetudinibus gaudere volentes sint ad gildam et scottam cum eisdem burgensibus, quociens burgum illum contigerit talliari.

(And that all those of the aforesaid borough who wish to enjoy its liberties and free customs shall be at geld and scot with the said burgesses, as often as it shall happen that the borough is tallaged.)

“RAVENSEROD,” 1299.

BERWICK-ON-TWEED, 1302.

SWANSEA, 1306. Et si aliquem burgensem de nouo fecerimus in burgo de Sweyn' aut extra, scottagium et tallagium in omnibus generibus tallagiorum et auxiliorum una cum eisdem burgensibus meis dabit, exceptis burgensibus de Loghaurne.

(And if we shall make a new burgess in the borough of Swansea or outside it, he shall give scottage and tallage in every kind of tallages and aids along with my said burgesses, save the burgesses of Laugharne.)

(7) Remission of Taxes, etc.

DUMBARTON, 1221. Concessi etiam burgensibus qui illuc venient ad burgum meum inhabitandum et ibi sedentes et manentes erunt, Kersetum a pentecoste anno gracie 1221 usque ad terminum quinque annorum completorum.

¹ Cf. I, 17.

(I have granted also to the burgesses who shall come thither to inhabit my borough and shall be settled and shall dwell there exemption from building, from Whitsunday, 1221, for the term of five complete years thereafter.)

DINGWALL, 1226.

Line 3. *For pentecoste read festo Sancti Martini.*

For 1221 read 1226.

For quinque read decem.

(8) Lord's Veto on Freedom¹

PLYMPTON, 1242. Exceptis nativis nostris, quos si contigerit in predicto burgo manere vel perhindinare quod predictae libertatis auctoritate predictis burgensibus concessa nullam sibi libertatem poterunt vendicare aut usurpare sine assensu nostro speciali.

(Except our born serfs, who, if they happen to remain or sojourn in the aforesaid borough, cannot claim or usurp any liberty by reason of the aforesaid liberty granted to our aforesaid burgesses, without our special assent.)

CLOYNE, 1249-64. (After warranty clause.) Salvis tamen mihi et successoribus meis censariis et eorum censibus quos in eadem civitate morari contingat in futurum.

(Saving to me and my successors the censers who may chance to sojourn in the same city in future and their rents.)

(9) Residence of Burgesses

UTTOXETER, 1252. And if it happen that any burgage belonging to us or our heirs by any means or by fire shall be in lack of occupation or service by the space of one year, then for want of a tenant the whole commonalty of the burgesses of the said town's street² after the year shall take the said burgage into their hands, and make the best profit thereof, and answer to us and our heirs for the farm and service thereof, without any claim of him or his who first held the said burgage.

(11) Prohibition of Residence to Jews³

NEWCASTLE-ON-TYNE, 1234 (b). Rex vicecomiti Northumberland salutem. Scias quod concessimus et carta nostra confirmavimus probis hominibus nostris de villa Novi Castri super Tinam et heredibus eorum quod habeant hanc libertatem videlicet, quod nullus Judaeus de cetero tempore nostro vel heredum nostrorum maneat vel residenciam aliquam faciat in eadem villa, sicut plenius continetur in carta regis quam eis inde fieri fecit.

¹ Cf. sect. 13 below.

² Redfern has "town straight" (*Hist. of Uthtoxeter*, p. 100).

³ See footnote to p. 30. For the Jews, see also V B 16.

(The king to the sheriff of Northumberland greeting. Know that we have granted and by our charter confirmed to the good men of Newcastle-on-Tyne that they shall have this liberty, to wit, that henceforth no Jew shall remain or have any residence in the said town either in our time or in that of our heirs, as is more fully contained in the king's charter which they have to that effect.)

DERBY, 1260-1. (After a preamble almost identical with the Newcastle one.) *Quod nullus Judeus vel Judea per nos vel heredes nostros aut per alios de cetero maneat aut commoretur in villa de Derby*¹.

(That no Jew or Jewess shall through us or our heirs or through others in future remain or sojourn in the town of Derby.)

CONWAY, 1284. *Et quod Judei in eodem burgo aliquibus temporibus non morentur.*

(And that Jews shall not sojourn in the same borough at any time.)

CARNARVON, 1284.

CRICCIETH, 1284.

HARLECH, 1284.

BERE, 1284.

FLINT, 1284.

RHUDDLAN, 1284.

OVERTON, 1292.

BEAUMARIS, 1296.

(12) Enfranchisement of Serfs

HIGHAM FERRERS, 1251 (*a*). *Noveritis nos die S. Gregorii anno regni regis Henrici, filii regis Johannis, tricesimo quinto concessisse et...confirmasse pro nobis et heredibus nostris quod isti subscripti homines de Hecham scilicet (here follow the names of 88 men), cum eorum sequela, terris et tenementis et omnibus eorum catallis, liberi sint erga nos et heredes nostros in perpetuum. Ita quod nos et heredes nostri de cetero nullam poterimus habere vel exigere servitutem sive de aliquibus de eisdem exeuntibus.*

(Know ye that we, on the day of St Gregory in the 35th year of the reign of king Henry, son of king John, have granted and...confirmed that all the underwritten men of Higham, to wit (here follow the names of 88 men), with their families, lands and tenements and all their chattels, shall be free as regards ourselves and our heirs for ever. So that we and our heirs shall not be able henceforth to have or exact any servitude from them or from any of their issue.)

WEYMOUTH, 1252. *Concessimus insuper liberos et ab omni nativitate ac servili conditione quietos imperpetuum clamavimus omnes nativos nostros cum eorundem sequelis et catallis qui in predicta villa de Wayemue hactenus manserunt.*

¹ For this "liberty" a fine of 10 marks was paid. Newcastle-on-Tyne had paid no less than 100 marks in 1234 (Brand, *Newcastle*, II, 140).

(We have, moreover, granted that all our natives who have hitherto dwelt in the aforesaid town shall be free and have quitclaimed them for ever from all serfdom and servile condition with their families and chattels.)

CHRISTCHURCH, 1245-62. Preterea quia dicti mei burgenses et eorum predecessores omnibus temporibus patris mei et omnium antecessorum meorum liberi et immunes a redemptione filiorum et filiarum suarum semper extiterunt, nec aliquam redemptionem de jure facere consueverunt, et quia super hiis domina Amicia de Redveriis, Comitissa Devon[ie] et Domina Insule, mater mea, eisdem burgensibus laudabile testimonium perhibeat, Ego dictus Baldwinus volo et concedo...quod dicti burgenses et eorum heredes sive successores liberi et quieti sint imperpetuum ab omni vendicatione dicti redemptionis. Ita quod nulla redemptio filiorum et filiarum suarum nec aliqua alia servitus inconsueta a dictis burgensibus et eorum heredibus per me vel per meos ballivos imperpetuum exigetur, vendicetur vel extorquetur.

(Moreover, whereas my said burgesses and their predecessors have at all times of my father and all my ancestors been free and immune from redemption of their sons and daughters, and were not wont to make any redemption rightfully, and whereas on this point my mother, the Lady Amicia de Redvers, Countess of Devon and Lady of the Isle, gives them her witness, Now I the said Baldwin will and grant that the said burgesses and their heirs or successors shall be free and quit for ever from all claim to the said redemption. So that no redemption of their sons and daughters nor any other unwonted servitude shall ever be exacted, claimed or extorted from the said burgesses and their heirs by me or my bailiffs for ever.)

(13) Reservation of Rights over Serfs¹

BRIDGETOWN POMEROY, 1268. Concedo eciam hominibus meis de terra mea de Bery quos feofaui de noua terra et de nouo burgagio in predictis terris meis de Brigg' quod habeant et teneant predictas terras suas et predicta burgagia sua sibi et heredibus suis aut assignatis de me et heredibus meis aut assignatis, secundum formam predictam. Ita tamen quod per illas terras et illa burgagia nec predicti homines nec aliquis de suis sequelis quicunque dictas terras et dicta burgagia tenuerint aliquid libertatis vendicare poterint nec habere nisi in illis terris et in illis burgagiis tantum. Et si aliquis de suis sequelis dictas terras et dicta burgagia teneant sine aliquo alio tenemento seruili nullam libertatem per illas terras et illa burgagia sibi acquirant quin ego et heredes mei aut assignati ad aliam terram seruilem tenendam ipsos per sanguinem predecessorum suorum et suum quando voluerimus compellere possimus, secundum consuetudinem manerii de Bery. Et si contingat quod burgenses de Brigg' predictos homines vel aliquem de suis sequelis in prepositum eligant, nolo quod idem homines nec aliquis de suis sequelis

¹ Cf. sect. 8 above.

fiat prepositus nec esse possit nisi de consensu meo vel heredum meorum aut assignatorum. Volo eciam quod predicti homines et heredes sui aut assignati libere possint emere et vendere in noua villa et antiqua absque aliqua occasione sicuti ceteri burgenses mei de Brigg' faciunt et facere consueuerunt¹.

(I grant also to my men of my land of Bery (Berry Pomeroy), whom I have enfeoffed with new land and new burgage in my aforesaid lands of Brigg', that they may have and hold their aforesaid lands and their aforesaid burgages to them and their heirs or assigns, of me and my heirs or assigns, according to the form aforesaid, so nevertheless that by those lands and those burgages neither the aforesaid men nor any of their sequels who shall hold the said lands and the said burgages, can claim or have anything of liberty except in those lands and those burgages only. And if any of their sequels hold the said lands and the said burgages without any other servile tenement, they shall acquire to themselves no liberty by those lands and those burgages, but that I and my heirs or assigns may compel them, where we will, to hold other servile land, by the blood of their predecessors and their own, according to the custom of the manor of Bery. And if it happen that the burgesses of Brigg' elect as reeve the aforesaid men or any of their sequels, I am unwilling that the same men or any of their sequels be made or can be reeve, unless by consent of me or my heirs or assigns. I will also that the aforesaid men and their heirs or assigns may freely buy and sell in the new vill and the old without any hindrance, as other my burgesses of Brigg' do and were accustomed to do.)

¹ For the wider liberty given to the other burgesses, see V B 5.

IV. JURISDICTIONAL PRIVILEGES

A. COURTS

(1) Liberty to Compound Offences

SALFORD, c. 1230. Si aliquis burgensis in burgo aliquem burgensem per iram percusserit vel verberaverit sine sanguinis effusione, per visum burgensium sibi pacem faciet, salvo jure meo scilicet xii den.¹

(If any burgess strike another in anger within the borough or beat him without bloodshed, he shall make peace under the supervision of the burgesses, saving my rights, to wit, twelve pence.)

BOLTON, 1253.

Line 2. *For sine read absque.*

3. *For scilicet read similiter.*

STOCKPORT, c. 1260.

MANCHESTER, 1301. Si aliquis burgensis cum aliquo certaverit et per iram eum percusserit sine sanguinis effusione, et ad domum suam redire possit sine calumpnia perfecti aut famulorum suorum, liber erit de placito prepositi; et si guerram illius cui commisit sustinere poterit, bene potest fieri: sin autem per consilium amicorum suorum cum eo pacem faciat et hoc sine forisfactura perfecti.

(If any burgess contend with another and in anger strike him without bloodshed, and be able to return to his house without challenge on the part of the prefect or his servants, he shall not be impleaded by the reeve: and if he can bear the revenge of him on whom he committed the assault, it may so be done; but if not, by the advice of his friends (*i.e.* relatives) he may make peace with him, and that without a forfeiture to the prefect.)

*CHARD*², 1235. Concedimus praeterea quod si lis aliqua dampnosa intra ambitum messagii alicuius eorum emergerit liberam habeat potestatem adinvicem concordandi, justicia nostra nullam exigente inde consuetudinem vel emendationem donec burgenses in justitiam defecerint, nisi mortale vulnus vel dampnum corpori perpetuum inflictum fuerit vel etiam nisi alter burgensium justitiae nostrae querimoniam fecerit salva in omnibus justicia regia et dignitate.

(We grant moreover that if any quarrel sounding in damages³ shall arise within the bounds of anyone's messuage, he shall have full power to make peace between them, our justice exacting no custom or fine therefrom, unless the burgesses make default in justice, or unless a mortal wound or a lasting bodily hurt shall have been inflicted, or also unless the other of the burgesses shall have made complaint to our justice, saving in all things the royal justice and dignity.)

¹ The Salford rule illustrates the normal later practice, the Manchester one (cf. IV c 8) the archaic survival. See Introduction, p. lxxxvi.

² Cf. Wells, 1174-80 and 1201 (vol. I, p. 112).

³ ? Resulting in injuries (T.).

(2) Liberty to hold Pleas¹

CASHEL, 1230. Ac potestatem et auctoritatem tenendi ibidem hundredum et curiam baronie, et audiendi et terminandi placita et querelas dictum hundredum et curiam concernenda in dicta villa et burgagia (*sic*) ejusdem, per prepositum dicte ville, qui pro tempore fuerit, imperpetuum, de tempore in tempus quociens ipsi preposito placuerit.

(And power and authority to hold there a hundred (court) and a court baron, and to hear and determine pleas and quarrels concerning the said hundred and court in the said town and its burgages, by the provost of the said town for the time being, for ever, from time to time as often as shall be pleasing to the said provost.)

FARNHAM, 1247. Et ad curiam suam propriam sectam coram ballivis suis facere debent, sicut ballivis nostris facere prius consueverunt.

(And they shall do suit at their own court before their own bailiffs, as they were formerly wont to do before our bailiffs.)

BRECON, 1277-82. Concessimus etiam...predictis burgensibus et heredibus eorum imperpetuum omnia placita latrocinii et cujuslibet felonie et attachiamenta facta quocunque modo infra predictas metas dicti burgi et ville de Luwell tempore duarum nundinarum Brechon, videlicet, per octo dies ante Nativitatem Beati Johannis Baptiste etiam per octo dies post idem festum, etiam per octo dies ante Decollacionem Beati Johannis etiam per octo dies post idem festum plenarie completos.

(We have also granted to the aforesaid burgesses and their heirs for ever all pleas of larceny and every felony and all attachments made within the bounds of the said borough and of the vill of Llywel at the time of the two fairs of Brecon, to wit, for eight days before the Nativity of St John the Baptist and for eight days after, and for eight days before the Decollation of St John and for eight days after the same feast, fully to be completed.)

ORMSKIRK, c. 1286. Item, volumus quod sit ibidem placitum quod vocatur Portemonmote a tribus septimanis in tres septimanas.

(Further, we will that there shall be there a court which is called Portman-moot every three weeks.)

CHESTER, 1300. Et quod habeant placita corone nostre de hiis que infra eandem libertatem emerserint, coram maiore et ballivis dicte civitatis in curia nostra ejusdem civitatis placitanda, et amerciamenta et omnia alia que ad nos pertinent in hac parte percipiant, sicut nos ea prius percipere consuevimus.

(And that they have the pleas of our crown which shall arise within the same liberty, to be pleaded before the mayor and bailiffs of the said city in our court of the said city, and shall receive the amercements and all other matters pertaining to us in this behalf, as we were wont to receive them formerly.)

¹ For the grant of a leet court at Norwich in 1304, see p. 343. Cf. IV A 4 (Cambridge, 1256 (b) and Oxford, 1257 (a)). See also IV B 2.

(3) Sake and Soke

HEREFORD¹, 1227. Concessimus praeterea eisdem burgensibus et heredibus eorum quod habeant soc et sac et thol et theam et infangenethef.

(We have granted also to the same burgesses and their heirs, that they have soke and sake and toll and team and infangthef.)

MONTGOMERY, 1227.

BRIDGENORTH, 1227 (*b*).

WORCESTER, 1227.

LIVERPOOL, 1229.

DROGHEDA (Louth), 1229.

DROGHEDA (Meath), 1247.

WIGAN, 1246.

Line 2. *After* theam *insert* et attachiamenta infra burgum.

3. *After* infangenethef *add* et utfangenthef.

DEGANWY, 1252. As Montgomery.

ABERYSTWYTH, 1277. Do.

BUILTH, 1278. Do.

RHUDDLAN, 1278. Do.

RHUDDLAN, 1284. Do.

CONWAY, 1284. Do.

CARNARVON, 1284. As Conway.

CRICCIETH, 1284. Do.

BERE, 1284. Do.

HARLECH, 1284. Do.

FLINT, 1284. Do.

BEAUMARIS, 1296. Do.

CHESTER, 1500.

Line 2. *After* quod *insert* ipsi et heredes sui predicti.

FAVERSHAM, 1252. Cum socka et sak, thol et them, et infangenthef.

(With sake and soke, toll and team, and infangthef.)

NORTHAMPTON, 1257. Et quod habeant Infangentef.

(And that they have Infangthef.)

[TRURO, 1166². Sciatis quod concessi liberis burgensibus meis de Triureu habere omnes liberas consuetudines et urbanas et easdem in omnibus quas habuerunt in tempore Ricardi de Lacy scilicet sacham et socham et tol et them et infangenethef.

(Know ye that I have granted that my free burgesses of Truro shall have all their free and urban customs the same in all things which they had in the time of Richard de Lacy, to wit, sake and soke and toll and team and infangthef.)]

LOSTWITHIEL, 1268.

Line 1. *For* Sciatis...habere *read* Et burgenses nostri ibidem.

2, 3. *Omit* et easdem...scilicet.

¹ Cf. Hereford, 1215 (vol. I, p. 114).

² Vol. I, p. 113.

CINQUE PORTS¹, 1278. (1) (Sciatis me concessisse...quietantiam de theloneo...) cum sacca et socca et tholl et theam et quod habeant infangenethef.

(Know ye that I have granted...quittance of toll, with sake and soke and toll and team, and that they have infangenethef.)

(2) Quod habeant utfangenethef in terris suis infra portus predictos eodem modo quo archiepiscopi, episcopi, abbates, comites et barones habent in maneriis suis in comitatu Kancie.

(That they have utfangenethef in their own lands within the ports aforesaid in the same manner as the archbishops, bishops, abbots, earls and barons have it in their own manors in the county of Kent.)

CINQUE PORTS, 1290.

Line 1 of sect. (2). *After* Quod *insert* de speciali gratia.

FAVERSHAM, 1302 (*mutatis mutandis*).

Lines 2, 3 of sect. (2). *For* archiepiscopi...end *read* sicut barones Quinque Portuum habent in portibus predictis per cartam regis.

(4) No External Pleas²

LONDON, 1227 (*d*)³. Nullus eorum placitet extra muros civitatis Londoniarum de ullo placito praeter placita de tenuris exterioribus, exceptis monetariis et ministris meis.

(None of them shall plead outside the walls of the City of London on any plea, except pleas of land without the walls, and except the minters and my ministers.)

ROCHESTER, 1227.

WARENMOUTH, 1247. (Cf. Winchester, 1190, vol. I, p. 116.)

Line 1. *After* eorum *insert* qui fuerit infra gildam suam mercatoriam.

For muros civitatis *read* burgum suum.

3. *Omit* exceptis...meis.

CANTERBURY, 1256 (*b*).

Line 3. *Omit* exceptis...meis.

LONDON, 1268. Quod nullus eorum placitare cogatur extra muros civitatis predictae de re aliqua, exceptis de tenuris exterioribus, et exceptis monetariis et ministris nostris, et hiis exceptis quae contra pacem nostram fieri contingent: quae secundum legem regni nostri communem terminari solent in partibus ubi transgressionibus illae factae fuissent: et exceptis placitis de mercandis quae secundum legem mercatoriam terminari solent in burgis et feriis; ita tamen quod per quattuor vel per quinque de civibus Londoniarum predictis, qui presentes fuerint in dictis burgis vel feriis, terminentur querelae illae; salvis nobis amerciamenis inde quocunque modo provenientibus, de quibus nobis et

¹ Cf. Hythe, 1156 (vol. I, p. 114).

² See also sections 6, 8, 13 below and IV c 2.

³ Cf. vol. I, p. 116.

heredibus nostris super gravem forisfacturam nostram fideliter respondebunt.

(That none of them shall be forced to plead outside the walls of the city aforesaid concerning any matter except external tenures, and except our minters and ministers, and excepting those matters which may happen against our peace, which, according to the common law of our kingdom, ought to be tried in those parts where those transgressions were done: and excepting pleas concerning merchandise, which according to law merchant are wont to be tried in boroughs and fairs, provided nevertheless, that those disputes shall be tried by four or five of the aforesaid citizens of London who may be present in the said boroughs or fairs: saving to us and our heirs the fines proceeding therefrom, concerning which they shall faithfully answer to us and our heirs under heavy penalties.)

MELCOMBE [REGIS], 1280.

Line 1. *For* muros civitatis *read* metas burgi.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

[BRISTOL, 1188¹. Quod nullus burgensis de Bristollo placitet extra muros villae de ullo placito, praeter placita de exterioribus tenementis quae non pertinent ad hundredum villae.

(That no burgess of Bristol shall plead without the walls for any plea, except pleas of foreign tenements which do not pertain to the hundred of the town.)]

BRISTOL, 1252.

Line 1. *After* placitet *insert* seu placitetur. See Addenda.

DROGHEDA (Louth), 1229.

Line 2. *For* muros villae *read* hundredum burgi de Drogheda.

For tenementis...end *read* tenuris.

DROGHEDA (Meath), 1247. As Drogheda (Louth).

WATERFORD, 1232.

Line 2. *After* placito *insert* sed infra muros ejusdem civitatis in Gild-halla sua.

For praeter placita *read* et praeterquam de placitis.

2, 3. *For* villae *read* ejusdem civitatis.

CORK, 1242. As Waterford.

LIMERICK, 1292. As Bristol.

Line 2. *For* praeter placita *read* praeterquam de placito.

3. *For* villae *read* dicte civitatis.

[KILKENNY, 1202-10². Inprimis, videlicet, quod nullus burgensis trahatur in causa[m] vel respondeat de ullo placito quod proveniat infra metas burgi, in castello, nec alibi nisi in hundredo villae, exceptis placitis quae sunt de hominibus hospitii mei vel de ballivis meis.

(First, that no burgess shall be impleaded or shall answer in any plea which may arise within the bounds of the borough, in [my] castle, nor elsewhere save in the hundred of the town, except pleas which relate to the men of my household or my bailiffs.)]

CARLOW, 1223.

Line 4. *For* de ballivis meis *read* ballivorum meorum.

¹ Vol. I, p. 118.

² *Ib.* p. 120.

MOONE, 1223. As Carlow.

NEW ROSS, c. 1279. Do.

Line 3. *After villae insert* secundum quod consueverunt uti temporibus antecessorum nostrorum et temporibus nostris per cartas a predictis predecessoribus nostris sibi datas et concessas que cartae lecte fuerint in presencia nostra.

ROSBERCON, 1289-95.

Line 3. *Omit* in castello, nec alibi.

SALFORD, c. 1230. Si aliquis implacitatus fuerit in burgo de aliquo placito, non respondeat nec burgensi nec villano nec alicui alio nisi in suo Portemannemot, scilicet de placito quod ad burgum pertinet.

(If any one be impleaded in the borough concerning any plea, he shall not answer either a burgess or a villein or any one else except in his Portmanmoot, to wit, concerning a plea pertaining to the borough.)

BOLTON, 1253.

STOCKPORT, c. 1260.

Line 2. *For* villano *read* ballivo meo.

3. *For* placito quod...pertinet *read* placitis que...pertinent.

MANCHESTER, 1301.

Line 2. *Omit* nec alicui alio.

3. *Omit* scilicet...end and *read* nec etiam vavasori, excepto placito quod ad coronam regis pertinet et de latrocinio.

DUNHEVED, 1225-56. Quod non placitent nisi infra burgum suum prenomiatum de placito vel rebus quibuscunque pertinentibus ad burgum suum nisi de placitis ad coronam domini regis pertinentibus.

(That they shall not plead except within their abovenamed borough concerning any plea or matters pertaining to their borough, except concerning the pleas pertaining to the crown of our lord the king.)

SALTASH, before 1246. Quod nullus predictorum burgensium implacitetur nec iudicetur nisi in hundredo eiusdem ville coram paribus suis, et si ad iudicium perficiendum per se plenarie non sufficiant per auxilium meum et meorum in eodem hundredo perficiatur.

(That none of the aforesaid burgesses shall be impleaded nor judged except in the hundred of the same town before their peers, and if they are not sufficient fully to perfect the judgment by themselves, by my aid and by the aid of my men it shall be perfected in the same hundred.)

WEYMOUTH, 1252. Excepto tamen quod non liceat eis in aliqua curia de aliquo tenemento, sive de aliquo placito per breve domini regis, nec aliquo modo placitare extra villam de Wayemue nisi nos vel seneschallus noster sive ballivi nostri predicti in iusticia exhibenda eis defecerint, exceptis placitis ad coronam domini regis spectantibus.

(Except however, that it shall not be lawful for them to plead without the town of Weymouth in any court concerning any tenement, or concerning any plea begun by a writ of our lord the king, nor in any manner, unless we or our steward or our bailiffs aforesaid shall fail in administering justice to them, except concerning pleas relating to the crown of our lord the king.)

SCARBOROUGH, 1253 (*b*). Et quod nullus burgensis implacitet nec implacitetur extra burgum illum de aliqua querela vel de aliquo placito, preterquam de tenuris exterioribus ad burgum illum non pertinentibus.

(And that no burgess plead or be impleaded outside the borough for any plaint or on any plea, except concerning foreign tenements not pertaining to the borough.)

BATH, 1256 (*a*). Et quod nullus eorum implacitetur extra civitatem predictam de aliqua terra vel tenemento infra metas ejusdem civitatis existente, nisi placitum illud tangat nos vel heredes nostros.

(And that none of them be impleaded without the city aforesaid concerning any land or tenement standing within the boundaries of the same city, unless that plea concerns us or our heirs.)

ORFORD, 1256 (*b*).

Lines 1, 2. *For civitatem (-is) read villam (-ae).*

3. *Omit nisi...end.*

WORCESTER, 1264.

Line 1. *For nullus read eorundem civium vel heredum suorum.*

For civitatem read muros civitatis.

2, 3. *For de...existente read de tenuris suis infra eosdem existenti-*
bus.

3. *Omit nisi...end.*

CAMBRIDGE, 1256 (*b*). Et quod decetero placitare possint infra villam predictam omnia placita libertatem suam tangencia tam de vetito namio quam de aliis placitis suis que sine justiciariis nostris placitari possint.

(And that henceforth they may plead within their aforesaid town all pleas touching their liberty, both of replevin as of their other pleas which can be pleaded without the presence of our justices.)

SOUTHAMPTON, 1256 (*b*). Quod non implacitentur extra burgum suum de aliquibus tenementis vel catallis suis que habuerint infra libertatem ville predictae, vel de aliis placitis, exceptis transgressionibus si quas nobis vel heredibus nostris ab eis fieri contigerit.

(That they be not impleaded outside their borough concerning any tenements or chattels of theirs which they have within the liberty of the town aforesaid, or concerning other pleas, excepting transgressions which may happen to be committed by them against us or our heirs.)

KINGSTON-ON-THAMES, 1256.

Line 1. *After Quod insert sine precepto nostro.*

After implacitentur insert vel compellantur ad placitandum.

For burgum read villam.

NORWICH, 1256. Et quod nullus eorum compellatur ad placitandum extra civitatem predictam pro aliquibus transgressionibus in civitate illa factis, contra tenorem cartarum suarum et contra libertates suas.

(That none of them be forced to plead without the city aforesaid for any wrongs done within the city, contrary to the tenor of their charters and contrary to their liberties.)

NORWICH, 1305. Quod nullus eorum placitet vel implacitetur extra dictam civitatem Norwicensem de aliquibus placitis, assisis seu querelis de tenuris aliquibus infra eandem civitatem existentibus nec de transgressionibus seu contractibus aliquibus in civitate illa factis, nisi res ipsa nos vel heredes nostros specialiter tangat.

(That none of them plead or be impleaded without the said city of Norwich concerning any pleas, assizes or complaints concerning any tenements being within the same city, nor concerning transgressions or contracts made in that city, unless the matter specially touches us or our heirs.)

LYNN, 1305.

Line 1. *After implacitetur insert* coram justiciariis vel aliis ministris nostris aut heredum nostrorum.

4. *After burgo insert* seu in portu ejusdem.

YORK, 1256 (a). Quod nullus eorum implacitet aut implacitetur coram nobis vel aliquibus justiciis nostris extra civitatem predictam de terris aut tenementis que tenent infra libertates eiusdem civitatis, nec de aliqua transgressionem facta in eadem civitate, set si aliquis predictorum civium vel alius terram aliquam aut tenementa infra libertatem predictam existentem petere vel super aliquam transgressionem factam in eadem libertate conqueri voluerit, prosequatur jus suum et querelam suam coram majore et ballivis predictae civitatis, et si loquela illa coram illis terminari non possit, terminetur ad sectam querentis coram justiciis nostris proximo itinerantibus in civitate predicta et non extra, vel coram aliquo justiciarum nostrorum ad hoc a nobis specialiter destinato¹.

(That none of them shall plead or be impleaded before us or any of our justices outside the city aforesaid concerning any lands or tenements which they hold within the liberties of the said city, nor concerning any trespass committed in the said city, but if any of the citizens aforesaid or any other wishes to sue concerning any land or tenement within the liberty aforesaid or to complain concerning any trespass committed within the liberty aforesaid, he shall prosecute his right and plaint before the mayor and bailiffs of the city aforesaid, and if that plaint cannot be terminated before them, it shall be determined at the suit of the plaintiff before our justices who shall next be itinerating in the city aforesaid and not outside, or before any justice of ours who shall be specially sent thither for this purpose.)

OXFORD, 1257 (a). Et quod placitare possint in eadem villa omnia placita ad villam illam et libertatem eiusdem pertinentia que placitari vel terminari possunt aut consueverunt sine justiciariis nostris itinerantibus, tam de vetito namio in predicta villa emergente quam de aliis placitis ad villam illam et suburbium eiusdem pertinentibus².

(And that they may plead in the same town all pleas relating to that town or its liberty which can or were wont to be pleaded or determined in the absence of our justices in eyre, both for illegal distraint arising in the said town and for other pleas pertaining to the town and its suburb.)

¹ See IV A 17.

² See also sect. 8 below and II B 5 above (Oxford, 1257 (a)).

WORCESTER, 1264.

Line 1. *After* quod *insert* iidem cives.

For villa *read* civitate.

2. *For* placitari vel terminari *read* placitare et terminare.

3. *Omit all after* nostris.

NORTHAMPTON, 1257. Et quod nullus eorum implacitetur extra muros burgi Northampton nisi de tenuris forinsecis, aut etiam de aliqua transgressione facta in eodem burgo, nisi super re ius nostrum vel personam nostram tangente.

(And that none of them be impleaded without the walls of the borough of Northampton, except for foreign tenements, or even for any transgression done in the same borough, except on some matter touching our rights or our person.)

HELSTON, 1260. Quod non placitent nisi infra burgum suum de rebus vel tenuris pertinentibus ad villam suam, preterquam de placitis ad coronam domini regis pertinentibus et placitis de terris forinsecis.

(That they shall not plead except within their borough of matters or tenements pertaining to their town, except for pleas pertaining to the crown of our lord the king, and pleas relating to foreign lands.)

MACCLESFIELD, 1261. Et quod non implacitentur nec de aliquo placito iudicentur extra burgum suum.

(And that they shall not be impleaded nor judged for any plea outside their own borough.)

CONGLETON, 1272-c. 1274

Line 2. *After* iudicentur *insert* de terris vel tenementis suis nec de aliquo placito quod sonat in transgressione facta intra limites predictæ ville.

(Concerning their lands or tenements nor concerning any plea for trespass done within the bounds of the town aforesaid.)

BRECON, 1277-82. Quod nullus ipsorum placitet seu implacitetur extra libertatem suam de aliquibus placitis terrarum seu tenementorum, debitorum, convencionum, vel aliquarum transgressionum existentium sive factorum in libertate predicta.

(That none of them shall plead or be impleaded without their liberty concerning any pleas of lands or tenements, debts, contracts, or other trespasses situate or committed within the liberty aforesaid.)

[TRURO, 1166¹. Et concessi eis quod non placitent in hundredis nec in comitatibus neque pro aliqua summonitione eant ad placitandum alicubi extra villam de Triureu.

(And I have granted to them that they shall not plead in hundreds nor in shire-moots nor for any summons shall they go to be impleaded anywhere outside the town of Truro.)]

¹ Vol. I, p.

LOSTWITHIEL, 1268.

Line 3. *For villam de Triuereu read burgum suum de Lostwythiel et Penknegh.*

Add de aliquo placito preterquam de placitis ad coronam Domini Regis Anglie spectantibus, que tamen attachiari debent per eosdem burgenses usque ad adventum justicie.

LINCOLN, 1272. Sciatis quod cum per cartam nostram quam inspeximus concesserimus civibus nostris Lincoln. quod nullus eorum placitet extra civitatem Lincoln. de aliquo placito preter placita de tenuris exterioribus, exceptis monetariis et ministris nostris, Nos eisdem civibus gratiam ampliorem, ad ipsorum instanciam, facere volentes, concessimus eis...quod omnia placita civitatis ejusdem et non alia de cetero placitentur et teneantur in aula placitorum civitatis ejusdem que Gyldehalle vocitatur et non alibi contra voluntatem civium ipsorum vel successorum suorum, exceptis placitis de tenuris exterioribus et monetariis ac ministris nostris.

(Know ye that whereas by our charter which we have inspected, we have granted to our citizens of Lincoln, that none of them should plead without the city of Lincoln for any plea except pleas of foreign tenements, except the minters and our ministers, We willing to do more abundant favour to the same citizens, at their request, have granted to them...that all the pleas of the same city and no others shall be held in the Plea hall of the said city which is called the Guildhall, and not elsewhere against the will of the same citizens, except pleas concerning foreign tenements and the minters and our ministers.)

GREAT YARMOUTH, 1285 (c). Cum celebris memorie Dominus Johannes dudum Rex Anglie, avus noster, per cartam suam (quam) inspeximus concessisset dilectis sibi burgensibus de Jernemua quod nullus eorum placitet extra burgum de Gernemua de ullo placito preter placita de tenuris exterioribus, ac verbum illud placitet per justicias et alios de consilio nostro ex virtute illius verbi et voluntate concedentis active interpretetur et passive, Nos eisdem burgensibus quoad declarationem maiorem verbi predicti gratiam facere volentes, concedimus eisdem burgensibus pro nobis et heredibus nostris quod nullus eorum de cetero placitet vel implacitetur extra burgum suum predictum de ullo placito, nisi de placitis tenuras suas exteriores tangentibus sicut predictum est.

(Whereas Lord John of blessed memory, formerly King of England, our grandfather, by his charter which we have inspected, granted to his beloved burgesses of Yarmouth that none of them should plead outside the borough for any plea except pleas of foreign tenements, and that word "plead" has been interpreted actively and passively by our justices and by others of our counsel, on account both of the meaning of the word and the will of the grantor, We, willing to favour the said burgesses as to the wider declaration of the meaning of the said word, grant to the said burgesses for ourselves and our heirs, that none of them shall for the future plead or be impleaded outside his aforesaid borough for any plea, except for pleas relating to his foreign tenements as is aforesaid.)

TRIM, 1290. [On 18 April 1290 Edward I ordered that the burgesses of Trim were not to be forced to plead outside their town.]

ALTRINCHAM, *c.* 1290. Quod non implacitentur extra portumotum ejusdem burgi, nec in aliquo placito extra burgum suum tractentur de transgressionibus infra burgum factis.

(That they be not impleaded outside the portmoot of the same borough, nor be dealt with in any plea outside their borough for trespasses done within the borough.)

OVERTON, 1292. Quod si aliquis dictorum burgensium aliquid fecerit in eodem burgo contra coronam nostram, quod non determinetur aliquo loco nisi infra libertatem ville predictae coram justitia nostro.

(That if any of the said burgesses do anything in the same borough against (the rights of) our crown, it shall not be determined (*i.e.* tried) in any place except within the liberty of the aforesaid town before our justice.)

KNUTSFORD, *c.* 1292. Et quod omnia placita de transgressionibus, attagiammentis, conventionibus fractis placitentur in eadem curia (*i.e.* the portmoot).

(And that all pleas concerning trespasses, attachments, and breaches of agreements be pleaded in the same court.)

NEWPORT (Isle of Wight), 1262-93. Quod omne placitum quod in predicto burgo ortum sit, quod ad me pertinet, in ipso burgo inter ipsos et per ipsos placitur.

(That every plea, which may arise in the said borough and belongs to me, shall be pleaded in the same borough between themselves and by themselves.)

HULL, 1299. Et quod non implacitent seu implacitentur alibi quam infra eundem burgum coram custode supradicto de aliquibus tenuris intrinsecis seu transgressionibus aut contractibus infra eundem burgum factis.

(And that they shall not plead or be impleaded elsewhere than within the said borough before the warden abovementioned concerning any tenements within the borough, or transgressions committed or contracts made within the said borough.)

"RAVENSEROD," 1299.

BERWICK-ON-TWEED, 1302.

Line 2. *For* custode supradicto *read* majore et ballivis supradictis.

(5a) Non-intromittat Clause¹

HEREFORD, 1227 (a)². Ita quod nullus vicecomitum nostrorum intromittat in aliquo super eos de aliquo placito vel querela aut occasione vel de aliqua re ad predictam villam pertinenti; salvis nobis et heredibus nostris in perpetuum placitis coronae nostrae quae attachiari debent per eosdem cives nostros usque in adventu justiciariorum nostrorum.

¹ See also sect. 14 below and VI 1 (Newcastle-under-Lyme, 1251).

² Cf. Hereford, 1215 (vol. I, p. 121).

(So that none of our sheriffs intermeddle in any way with them concerning any plea or plaint or pretext or any matter pertaining to the town aforesaid; saving to us and our heirs for ever the pleas of our crown, which ought to be attached by our said citizens until the coming of our justices.)

BRIDGENORTH, 1227 (b).

GLOUCESTER, 1227.

Line 1. *Before* intromittat *insert se.*

ROCHESTER, 1227.

Line 1. *For* nostrorum *read* Kancie.

SHREWSBURY, 1227 (a). As Gloucester.

WORCESTER, 1227. Do.

HELSTON, 1260. *Read only* quae attachiari...justiciariorum (lines 4, 5), which words qualify the reservation of pleas of the crown in the clause on p. 153.

CONWAY, 1284.

Line 1. *Before* intromittat *insert se.*

4. *For* quae...end *read* sicut predictum est.

CARNARVON, 1284. As Conway.

CRICCIETH, 1284. Do.

HARLECH, 1284. Do.

BERE, 1284. Do.

FLINT, 1284. Do.

RHUDDLAN, 1284. Do.

OVERTON, 1292. As Hereford, 1227, but *after* pertinenti *read* nisi in defectum burgensium predictorum aut ballivorum suorum.

BEAUMARIS, 1296. As Carnarvon.

NEWCASTLE-ON-TYNE¹, 1234 (a). Quod in nullo sint respondentes vicecomiti nec constabulario de his quae ad ipsos pertinent, sicut carta predicti patris nostri, quam inde habent, rationabiliter testatur.

(That in nothing shall they be answerable to the sheriff or the constable concerning those matters which pertain to themselves, even as the charter of our father aforesaid, which they have, reasonably testifies.)

NEWCASTLE-ON-TYNE, 1298. Ita quod nullus vicecomes, coronator aut alius ballivus seu minister noster forinsecus in predictis terris et tenementis in Pampeden in aliquibus ad dictam libertatem pertinentibus de cetero se intromittat, nisi in defectu burgensium et proborum hominum predictorum vel ballivorum suorum.

(So that no sheriff or coroner or other bailiff or foreign minister of ours shall intermeddle in the aforesaid lands or tenements in Pandon in any matters pertaining to the said liberty, except in default of the said burgesses and good men or of their bailiffs.)

BERKELEY, c. 1235-6. Item, concessi eisdem quod nulla attagia-menta infra burgum attagiata sint nisi per prepositum vel² ballivum burgi; ita quod nec ego nec heredes mei predictos burgenses meos nec successores suos super hiis predictis de cetero...vexabimus.

¹ Cf. Newcastle-on-Tyne, 1215 (vol. I, p. 122), a charter having reference merely to the fee-farm and to certain escheats.

² Mr Ballard read "et." See critical note, p. xxxv.

(I have also granted to them that no attachments shall be attached within the borough, except by the reeve and bailiff of the borough, so that neither I nor my heirs shall henceforth vex my aforesaid burgesses nor their successors concerning these aforesaid privileges.)

DROGHEDA (Meath), 1247. *Quod nullus faciat aliqua attachiamenta infra metas suas, nisi prepositi predicti vel coronatores electi ad placita corone nostre custodienda.*

(That no-one shall make any attachments within their boundaries, except their reeves aforesaid or the coroners elected to keep the pleas of our crown.)

YORK, 1252¹. *Ita quod nullus vicecomes aut alius ballivus noster prout ipsos cives in aliquo se intromittat infra libertatem predictae civitatis de firma et summonitionibus antedictis.*

(So that no sheriff or other minister of ours shall intermeddle in any matter relating to the said citizens within the liberty of the aforesaid city concerning the farm and summonses aforesaid.)

SCARBOROUGH, 1253 (b). *Ita quod nullus vicecomes vel alius ballivus seu minister noster, preter ipsos burgenses, eos distringat vel de ullis attachiamentis aut summonicionibus vel de aliquo alio se intromittat infra limites predicti burgi quod ad ipsos burgenses pertineat, nisi in solucione predictae firme vel predictorum debitorum ad predictum terminum defecerint.*

(So that no sheriff or other bailiff or minister of ours, except the said burgesses, shall distrain on them, or intermeddle concerning any attachment or summons or concerning any other matter within the limits of the borough aforesaid pertaining to the said burgesses, unless they make default in the payment of the aforesaid farm or debts.)

BAMBURGH, 1255. *Ita quidem quod decetero in nullo respondentes sint vicecomiti aut constabulario loci de firma predicta vel aliis libertatibus suis infra villam de Bamburg. Et quod iidem vicecomes uel constabularius in nullo intromittat se de firma illa vel de aliis ad libertates suas infra villam spectantibus quamdiu ipsi homines de Bamburg' nobis sufficienter per manum suam responderint de premissis. Saluis tamen nobis, etc.*

(In such a way indeed that henceforth they shall be answerable in nothing to the sheriff or constable of the place touching the aforesaid farm or their other liberties within the town of Bamburgh. And that the said sheriff or constable shall in nothing intermeddle with the farm or with other things relating to their liberties within the town, so long as the men of Bamburgh shall sufficiently answer to us by their hand in the matters mentioned. Saving, etc.)

NOTTINGHAM, 1255 (b). (20 July.) *Ita quod nullus vicecomes aut alius ballivus aut minister noster de cetero intromittat se de hujus-*

¹ See p. 172 below for preceding clause.

modi summonitionibus aut districtionibus faciendis in predicta villa, nisi per defectum eorundem burgensium aut ballivorum ejusdem burgi.

(So that no sheriff or other bailiff or servant of ours shall in future meddle with the execution of such summonses or distresses in the aforesaid town, except by default of the same burgesses or of the bailiffs of the same borough.)

WORCESTER, 1256. (23 February.)

CAMBRIDGE, 1256 (b). (11 April.)

Line 2. *Omit* aut minister noster.

For de hujusmodi...villa *read* de aliquibus ad libertates suas spectantibus.

IPSWICH, 1256. (15 April.)

Line 3. *After* summonitionibus *insert* aliquibus attachiamentis.

4. *Omit* eorundem.

DUNWICH, 1256. (20 April.) As Ipswich.

SCARBOROUGH, 1256 (b). (25 May.) Do.

Line 2. *After* noster *insert* preter burgenses.

3. *After* districtionibus *insert* aut aliquibus aliis.

4. *Omit* nisi...end.

ORFORD, 1256 (b). (12 June.) As Ipswich.

Line 3. *After* villa *insert* de aliquo ad eandem villam pertinente.

SOUTHAMPTON, 1256 (b). (14 July.) As Ipswich.

Line 4. *After* defectum *read* dictorum.

OXFORD, 1257 (a). (26 March.) As Ipswich.

Line 3. *After* districtionibus *insert* aut aliquibus aliis.

NORWICH, 1256. (25 March.) Et quod nullus vicecomes aut alius ballivus noster de cetero intret civitatem predictam ad districciones faciendas pro aliquibus debitis, nisi sit pro defectu civium predictorum.

(And that no sheriff or other bailiff of ours henceforth enter the said city to make distrains for any debts, except through the default of the citizens aforesaid.)

NORWICH, 1305. Et quod summoniciones, districciones et attachiamenta ac alia officia regalia quecunque que infra eandem civitatem vel suburbium ejusdem emergerint facienda fiant per ballivos nostros ejusdem civitatis. Ita quod nullus vicecomes, coronator aut alius ballivus vel minister forinsecus aliquod officium regale in civitate predicta, videlicet, infra fossata ejusdem civitatis et ripariam de Wensum vel in suburbio predicto, exerceat seu aliquialiter exequatur, nisi in defectu ballivorum nostrorum civitatis ejusdem.

(And that summonses, distrains and attachments and other royal duties whatsoever which shall arise within the said city and its suburb shall be executed by our bailiffs of the said city, so that no sheriff, coroner or other bailiff or minister from without the city shall exercise or in any manner execute any royal duty in the city aforesaid, to wit, within the ditches of the said city and the river Wensum, except in default of our bailiffs of the said city.)

BATH, 1256. (24 July¹.) Ita quod nullus vicecomes aut alius ballivus

¹ The privilege had been granted in the same words on the 20 May previous to the "probi homines" of Basingstoke for the manor and inhundred of Basingstoke.

vel minister noster de cetero ingrediatur civitatem predictam ad aliquas summonitiones, districtiones vel aliqua alia facienda, nisi per defectum civium predictorum vel heredum suorum.

(So that no sheriff or bailiff or other servant of ours shall henceforth enter the aforesaid city to execute summonses or distresses or any other matters, except through the default of the said burgesses or their heirs.)

HEREFORD, 1256 (a). (8 August.)

GLOUCESTER, 1256. (10 August.)

SHREWSBURY, 1256 (a). (10 August.)

BRIDGENORTH, 1256 (a). (16 August.)

KINGSTON-ON-THAMES, 1256 (c). (13 September.)

Line 2. *Omit* de cetero.

Omit aliquas.

NORTHAMPTON, 1257. (18 January.)

Line 3. *After* facienda *insert* que ad eorum officia pertinent.

CANTERBURY, 1256 (b). Quod nullus vicecomes vel constabularius seu alius ballivus aut minister noster aliquam summonicionem vel districtionem faciat in civitate predicta pro debitis nostris vel aliis ad libertatem eiusdem civitatis pertinentibus, nisi per defectum ballivorum eiusdem civitatis.

(That no sheriff nor constable nor other bailiff or minister of ours shall make any summons or distraint in the city aforesaid for our debts or for other matters touching the liberty of the said city, except through the default of the bailiffs of the said city.)

OSWESTRY, 1263. Et quod nullus ministrorum nostrorum in libertatibus et utilitatibus dictorum burgensium nostrorum intromittat nec ingrediatur, sed in casu defeccionis dictorum burgensium et eorum successorum.

(And that none of our ministers interfere or enter upon the liberties and advantages of our said burgesses, except in case of default on the part of our said burgesses and their successors.)

BRECON, 1277-82. Quod nullus ballivorum nostrorum nec heredum nostrorum se intromittat super eos de aliquo placito vel querela vel occasione vel aliqua re altera ad predictam libertatem pertinentem, Salvis nobis et heredibus nostris placitis felonie, videlicet: murdris, homicidis, latrociniiis, tradicionibus nihilominus infra dictum burgum audiendis et terminandis, excepto tempore predicto dictarum duarum nundinarum.

(That no bailiff of us or our heirs intermeddle with them concerning any plea or plaint or case or any other matter pertaining to the aforesaid liberty, Saving to us and our heirs, all pleas of felony to wit, murders, homicides, larcenies and treasons, to be heard and determined within the said borough, except the aforesaid time of the said two fairs.)

LISKEARD, 1275. Quod nullus ballivorum nostrorum predictum burgum intret ad placitandum placita eiusdem burgi, nisi pro eorum defectu hoc evenire contigerit.

(That none of our bailiffs shall enter the aforesaid borough to plead any pleas, unless this shall happen through their default.)

NETHER WEARE, 1278-9. Et volumus quod ministri nostri ex parte nostra infra burgum¹ predictum nullam ministracionem faciant absque assensu vel consensu ballivi eiusdem ville de Netherwere.

(We also will that no ministers of ours shall execute any ministry within the aforesaid borough without the assent or consent of the bailiff of the said town of Nether Weare.)

OVERTON, 1292. Et volumus quod burgenses nostri ville predicte in omnibus sint adeo liberi quod nullus ballivus extraneus aliquam habeat potestatem infra libertatem ville predicte ad aliquam districcione[m] faciendam.

(And we will that our burgesses of the town aforesaid be so free in all things that no foreign bailiff have any power of making any distrain[t] within the liberty of the town aforesaid.)

TENBY, 1265-94. Inhibemus eciam quod nullus ballivorum nostrorum ad aliqua predicta facienda contra concessionem nostram predictam compulsionem in eos facere presumat.

(We forbid also any of our bailiffs to presume to use compulsion against them to compel them to do any of the aforesaid acts contrary to our aforesaid grant.)

HULL, 1299. Ita quod nullus vicecomes vel alius ballivus seu minister noster burgum illum ingrediatur ad officium aliquod ibidem faciendum pro aliquo ad burgum illum pertinente nisi in defectu custodis eiusdem ville.

(So that no sheriff or bailiff or minister of ours shall enter that borough to execute any duty there for any matter touching that borough except in default of the warden of the said town.)

"RAVENSEROD," 1299.

BERWICK-ON-TWEED, 1302.

Line 3. *For custodis read majoris et ballivorum.*

CHESTER, 1300. Quod nullus ballivus vel minister noster alius quam ballivi eiusdem civitatis summoniciones, attachiamenta vel districciones aliquas infra libertatem civitatis predicte faciat seu officium ballivi exerceat, nisi in defectu eorundem civium vel ballivorum predictorum.

(That no bailiff or minister of ours other than the bailiffs of the same city shall make any summonses, attachments or distrain[t]s within the liberty of the city aforesaid or shall do the office of a bailiff, except in default of the same citizens or of the bailiffs aforesaid.)

¹ Corrected from "burgagium."

(5 b) Intromission by Sheriff ordered

OXFORD UNIVERSITY, 1231 (a). Rex vicecomiti Oxon. salutem. Scias quod cum in villa nostra Oxon. ubi convenit multitudo studencium plures sunt clerici rebelles et incorrigibiles qui cum delinquant a cancellario et magistris se corrigi nolunt et castigari. Et plures malefactores (inter quos quidam sunt sub specie clericali mentientes se esse quod non sunt) a cancellario et magistris scholarum cum delinquant juxta morem scholarum se justiciari non permittunt; pro eorum audacia coercenda et studencium tranquillitate prospicienda de consilio nostro providimus quod quoties predicti cancellarius et magistri perpenderint et invenerint inter se huiusmodi clericos rebelles et malefactores significant illud tibi ut tu assumptis tecum quos videris ad hoc assumendos, ad mandatum eorundem cancellarii et magistrorum in propria persona tua accedas usque Oxon., et secundum quod predicti cancellarius et magistri tibi dicent, in clericos rebelles et malefactores predictos manum mittas, et ipsos secundum consilium predictorum cancellarii et magistrorum vel ipsos in prisiona nostra retineas vel eos a villa Oxon. expelli facias et amoveri. Et ideo tibi precipimus quod ad mandatum cancellarii et magistrorum Oxon. de predictis clericis rebellibus et malefactoribus, prout dicti cancellarius et magistri tibi dicent, in forma predicta provisionem nostram exequaris. Ita quod predicti clerici rebelles et malefactores pro defectu coercionis tue occasionem non habeant delinquendi, propter quod decetero ad te nos graviter capere debeamus.

(The king to the sheriff of Oxfordshire, greeting. Know ye that in our town of Oxford, where assembles a multitude of students, are very many rebellious and incorrigible clerks, who refuse to amend their ways and be corrected by the chancellor and masters when they do wrong. And very many malefactors (among whom are certain in clerical guise who lie and say that they are what they are not) do not permit themselves to suffer justice at the hands of the chancellor and masters of the schools, according to the custom of the scholars, when they do wrong: to restrain their boldness and to safeguard the peace of the scholars we have provided that as often as the said chancellor and masters take counsel and find among themselves any rebellious and evildoing clerks of this kind, they shall give you notice, that you, taking to yourself those whom you think fit to select for this purpose, at the command of the same chancellor and masters, may go to Oxford in your own person, and in accordance with what the chancellor and masters shall tell you lay hands on the aforesaid rebellious and evildoing clerks, according to what the said chancellor and masters tell you, and according to the advice of the said chancellor and masters, either detain them in our prison there or cause them to be expelled and removed from the town of Oxford. And therefore we command you that at the request of the chancellor and masters of Oxford you execute our provision concerning the aforesaid rebellious and evildoing clerks, as the said chancellor and masters tell you, in manner aforesaid. So that the aforesaid rebellious and evildoing clerks shall have no opportunity of offending for want of restraint on your part, for which henceforth we may be obliged to deal heavily with you.)

CAMBRIDGE UNIVERSITY, 1231 (a).

- Line 10. *For tibi read* episcopo et episcopus postea tibi.
 12. *For* eorundem...magistrorum *read* ejusdem episcopi.
 13. *After* quod *insert* predictus episcopus tibi significabit et.
 17. *For* cancellarii...Oxon *read* episcopi Eliensis.

OXFORD UNIVERSITY, 1231 (b). Rex vicecomiti Oxon. salutem. Quoniam ut audivimus plures morantur clerici apud Oxon. qui sub nullius magistri scholarum sunt disciplina et tuitione, sed potius mentiuntur se esse scholares cum non sint, ut tutius et fortius (visa ad hoc opportunitate) queant malignari; Tibi precipimus quod assumptis tecum probis et legalibus hominibus de comitatu suo, accedas ad villam nostram Oxon. et per totam villam clamari facias ex parte nostra quod nullus clericus moretur in villa illa qui non sit sub disciplina vel tuitione aliqujus magistri scholarum. Et si aliqui tales fuerint in villa illa, eam exeant infra quindecim dies postquam hoc clamatum fuerit. Et si ultra terminum illum inventi fuerint in eadem villa huiusmodi clerici, capiantur et in prisona nostra mittantur.

(Whereas as we have heard there are clerks sojourning at Oxford who are not under the discipline and protection of any master of the schools, but rather lie in saying that they are scholars when they are not so that (seeing their opportunity for so doing) they may be able to sin, We command you that taking upright and legal men of your county with you, you go to our town of Oxford and proclaim throughout the whole town our will that no clerk sojourn in that town who is not under the discipline and protection of some master of the schools, And if there are any such in the town they shall depart within fifteen days, after this proclamation, and if any clerks of this kind are found after that term they shall be taken and sent to our prison.)

CAMBRIDGE UNIVERSITY, 1231 (b).

CAMBRIDGE UNIVERSITY, 1242. Rex vicecomiti Cantebrigg'. Cum nonnunquam contenciones inter clericos et laicos oriantur per quas et contra coronam nostram et alias multociens maleficia perpetrantur, volentes tam clericorum quam laicorum paci et tranquillitati prospicere, prout ad regiam pertinet dignitatem, tibi precipimus quatenus cum clericus aliquis de universitate scholarium Cantebrigg' studencium, maleficiis potius se quam studio vacans, a predicta Universitate fuerit de malicia notatus ita quod carceri sit mancipandus, et burgenses dicte ville ad incarcerationem illam faciendam aut impotentes fuerint aut negligentes, Tu malefactorem illum aut malefactores illos ad mandatum cancellarii universitatis predicte, capi facias et carceri mancipari et in eo salvo custodiri donec a cancellario eiusdem universitatis petantur quod a carcere liberentur: tunc sic ipsos petenti eosdem facias liberari, et ita discrete et diligenter hoc preceptum nostrum exequaris quod in nullo te negligentem reputare possimus.

(Whereas sometimes disputes arise between clerks and laymen, by which misdeeds are frequently committed against our crown and otherwise, we,

wishing to provide for the peace and tranquillity as well of clerks as of laymen, as befits our royal dignity, enjoin upon you that when any clerk of the university of scholars studying at Cambridge, preferring mischief to study, shall be accused of ill doing by the aforesaid university, so that he ought to be imprisoned, and the burgesses of the said town are either unable or unwilling to imprison him, you shall cause that evildoer or those evildoers to be taken at the command of the chancellor of the aforesaid university and to be imprisoned and kept safely therein until by the chancellor of the same university you are requested to liberate them from prison: then to him who thus requests them, you shall cause them to be delivered: and you shall so discreetly and diligently fulfil this our command, that in no way We may consider you negligent.)

CAMBRIDGE UNIVERSITY, 1269. Quia ballivi et burgenses nostri Cantebrigg' non solum negligentes existunt verum etiam impotentes ad malefactorum insolencias, et alia magistris et scholaribus universitatis eiusdem ville nociva modo debito reprimenda, et quod sicut pro certo intelleximus contingit dictos magistros et scholares multociens impediri, ita quod actus scolasticos in quiete, studentibus maxime necessaria, nequeunt exercere, Nos dictorum magistrorum et scholarium tranquillitati et paci prospicere cupientes, Volumus et precipimus quod vicecomites nostri Cantebrigg' qui pro tempore fuerint, quando ballivi aut burgenses predicti negligentes vel impotentes inventi fuerint in premissis, huiusmodi malefactores ac pacis nostre dicteque universitatis turbatores cum sufficienti posse comitatus predicti si necesse fuerit, ab huiusmodi presumptionibus temerariis penitus desistere et predicta nociva reprimi faciant, cum ex parte universitatis predictae inde fuerint requisiti. Ita quod dicti magistri et scholares ibidem studiis liberalibus applicati, sub protectione manus nostre optatis liberius prospicere valeant incrementis.

(Whereas the bailiffs and burgesses of Cambridge are not only negligent but also powerless to repress in due manner the insolence of evildoers and other nuisances to the masters and scholars of the university of the said town, so that, as we know of a certainty, it happens that they cannot pursue their studies in quiet, which is especially necessary to students, We, willing to guard the tranquillity and peace of the said masters and scholars, will and order that our sheriffs of Cambridgeshire for the time being, whenever the aforesaid bailiffs and burgesses are found to be negligent or powerless in the premises, shall, with a sufficient force of the shire aforesaid if it be necessary, cause such illdoers and disturbers of the peace of ourselves and the said university to desist entirely from their rash presumptions, and shall cause the aforesaid nuisances to be repressed, when they shall be required in this behalf on the part of the university aforesaid, so that the said masters and scholars, applying themselves to their studies, may progress more freely under the protection of our hand¹.)

¹ The disturbances still continuing, the king's eldest son Edward brought about an agreement between the university and the town in April, 1270, for the election of a joint committee of scholars and burgesses empowered to exact oaths and take other measures to keep the peace (*C.Ch.R.* II, 415).

(6) Freedom from suit to Shire and Hundred Courts

LIVERPOOL, 1229. Et quod nullam sectam comitatum et wapentaciorum faciant de tenuris suis quas tenent infra burgum predictum.

(And that they do no suit of shires or wapentakes for their tenements which they hold within the borough aforesaid.)

WIGAN, 1246.

Line 2. *For tenuris read terris.*

FAVERSHAM, 1252. Quietancia de shiris et hundredis.

(Quittance of shires and hundreds.)

READING, 1253. Quod omnes burgenses de Radinges qui sunt in gilda mercatoria in Rading' imperpetuum quieti sint de shyris et hundredis et omnibus placitis, querelis, theloneis, passagiis et cariagiis.

(And that all burgesses of Reading who are in the merchant guild in Reading shall be for ever quit of shires and hundreds and from all pleas, complaints, tolls, passage money and cartages.)

CINQUE PORTS¹, 1278. Quod sint quieti de schyris et hundredis.

(That they shall be quit of shire and hundred courts.)

FAVERSHAM, 1302. As Cinque Ports, 1278.

NEWPORT (Isle of Wight), 1262-93. Quod sint quieti et liberi de sciris et hundredis et de omnibus sectis ad sciros et hundredos in Insula.

(That they shall be quit and free from shires and hundreds and from all suits to shires and hundreds in the Island.)

TENBY, 1265-94. Volumus eciam quod predicti burgenses nullam sectam Pembrochie² faciant, nisi contingat eos per breve implacitari.

(We will also that the aforesaid burgesses shall make no suit at Pembroke², unless it happen that they are impleaded by writ.)

CHESTERFIELD, 1294. See VA 8.

(7) Reservation of Pleas to Crown

GLOUCESTER, 1256. Quod iidem burgenses non implacitentur de aliqua re tangente libertatem communitatis suae predictae villae Glouc. nisi coram nobis vel iusticiariis nostris³.

(That the said burgesses shall not be impleaded concerning any matter touching the liberty of their community of the aforesaid town, except before us or our justices.)

¹ Cf. Rye and Winchelsea, 1191 (vol. 1, p. 123).

² The County Court was held at Pembroke.

³ Cf. *C.Ch.R.* II, 333 (St Osyth).

CINQUE PORTS, 1278. *Salua semper in omnibus regia dignitate, et saluis nobis et heredibus nostris placitis corone nostre vite et membrorum.*

(Saving always in all things our royal dignity, and saving to us and our heirs the pleas of our crown of life and members.)

FAVERSHAM, 1302.

(8) Proceedings before Justices in Eyre¹ and Justices Assigned

BRISTOL (Redcliffe), 1247. *Sciatis nos concessisse...burgensibus nostris de la Redclive in suburbio Bristoll' quod in perpetuum respondeant cum burgensibus nostris Bristoll' coram justiciariis nostris, sicut dicti burgenses nostri de Bristoll' respondent et ubi respondent et non alibi.*

(Know ye that we have granted to our burgesses of Redcliffe in the suburb of Bristol that they shall for ever answer with our burgesses of Bristol before our justices, as the said burgesses of Bristol answer and where they answer and not elsewhere.)

SHAFTESBURY, 1252. *Sciatis nos concessisse pro nobis et heredibus nostris dominicis burgensibus nostris de Shaftesburia quod in singulis itineribus justiciarum itinerantium ad omnia placita in comitatu Dorset veniant justicie nostri in villam de Shaftesburia ad placitandum communia placita dominicos burgenses nostros eiusdem ville tangentia. Ita quod iidem burgenses nostri non respondeant de aliquo extra predictam villam suam unde prius alibi coram justiciis itinerantibus in eodem comitatu respondere consueverunt.*

(Know ye that we have granted for us and our heirs to the burgesses of our demesne at Shaftesbury, that in every eyre of our justices in eyre for all pleas in the county of Dorset, our said justices shall come to the town of Shaftesbury for pleading the common pleas touching the burgesses of our demesne of the said town, So that our said burgesses shall not answer for anything outside the aforesaid town, in respect of which they were wont to answer elsewhere before justices in eyre in the said county.)

SCARBOROUGH, 1253 (b). *Volumus eciam quod justicii nostri, cum itineraverint ad communia placita in comitatu Ebor', vel aliquis eorum, veniant ad predictum burgum ad communia placita eiusdem burgi placitanda eodem burgo, salvis nobis et heredibus nostris amerciamentis inde provenientibus.*

(We will also that when our justices are travelling in the county of York for common pleas, they or one of them shall come to the aforesaid borough to plead the common pleas of the said borough within the said borough, saving to us and our heirs, the amercements thence arising.)

¹ See also IV c 2 (York, 1256 (a)).

OXFORD, 1257 (a). Et quod iidem burgenses non respondeant de aliquo placito vel assisis de aliquibus tenuris infra villam illam vel de transgressionibus factis in eadem villa vel in suburbio eiusdem coram iusticiariis vel ballivis seu ministris nostris extra quattuor portas Oxonie, nisi transgressionibus ille tangant nos vel familiares nostros¹.

(And that the same burgesses shall not answer concerning any plea or assizes concerning any tenements within that town, or concerning any trespasses committed in the same town or its suburb before our justices or bailiffs or ministers outside the four gates of Oxford, unless those trespasses affect us or the members of our household.)

CINQUE PORTS, 1260. Sciatis quod, pro laudabili servicio quod barones nostri Cinque Portuum nuper in transfretatione nostra ad partes Francie et redeundo de eisdem partibus et in aliis transfretationibus nostris nobis devote impenderint, Concessimus eis de consilio magnatum qui sunt de consilio nostro et hac carta nostra confirmamus pro nobis et heredibus nostris quod ipsi de omnibus terris quas in presenti possident quieti sint imperpetuum de omnibus summonicionibus coram iusticiis nostris ad quecunque placita itinerantibus in quibuscunque comitatibus terre ille existent. Ita quod occasione huiusmodi communium summonicionum faciendorum de itineribus iusticiarum nostrorum non teneantur dicti barones venire coram eisdem iusticiis itinerantibus, nisi aliquis ipsorum aliquem specialiter implacitet vel ab aliquo implacitetur.

(Know ye that for the praiseworthy service which our barons of the Cinque Ports have devotedly rendered to us in our recent passage to the parts of France and in our return from the same parts and in other passages, We, by the advice of the magnates who are of our counsel, have granted to them, and do confirm by this our charter, for us and our heirs that they, concerning all the lands which they at present possess, shall be quit of all summonses before our justices in eyre for any manner of pleas in whatever counties those lands are situate. So that by reason of the common summonses to be made for the eyres of our justices, the said barons shall not be bound to come before the said justices in eyre, unless any of them specially sues any person or is sued by any.)

CINQUE PORTS, 1278.

Lines 1-6. *Omit as far as quod.*

Line 6. *For in presenti possident read tempore Domini Henrici Regis patris nostri in anno regni sui 44mo possiderunt.*

7. *For omnibus read communibus.*

9. *For terre ille read huiusmodi terre sue. Omit occasione...nostrorum (line 10).*

11. *For dicti barones read ipsi. Omit itinerantibus.*

12. *For aliquem read baronum.*

CINQUE PORTS, 1290². As Cinque Ports, 1278, *but reading omnibus in line 7.*

FAVERSHAM, 1302². Do.

¹ See also IV A 4 (Oxford, 1257 (a)).

² For lands only which the barons and their ancestors had in 1260.

WORCESTER, 1264. Ita tamen quod justic' nostri itinerantes in comitatu predicto teneant et placitent infra ciuitatem predictam omnia placita eiusdem ciuitatis et libertatis illius tam de corona nostra quam aliis sicut coram justic' nostris placitari et terminari debent et consueverunt.

(Provided, however, that our justices in eyre in the aforesaid county shall hold and plead within the aforesaid city all pleas of the said city and its liberty as well of our crown as others, as they ought and have been wont to be pleaded and determined before our justices.)

HULL, 1302. (After quoting IV A 14 from the charter of 1299.) Volentes eisdem burgensibus gratiam in hac parte facere uberiorem, concessimus eis pro nobis et heredibus nostris quod nos et heredes nostri mittimus justicias nostras usque burgum predictum de malefactoribus ibidem deprehensis et detentis deliberandis, secundum leges et consuetudines regni nostri.

(Wishing to do to the said burgesses more abundant favour in this behalf, we have granted to them for us and our heirs that we and our heirs will send our justices as far as the aforesaid borough to deliver the malefactors there captured and detained, according to the laws and customs of our realm.)

BAKEWELL, 1286. Et quod coram iusticiariis et alibi, prout consueuerunt, per duodecim liberos respondeant in hiis que tangunt villam seu libertatem de Bauquell'.

(And that they answer before the justices and elsewhere in matters which concern the town or liberty of Bakewell by twelve free men, as they have been accustomed (to do).)

(9) Formation of Sokens

BURTON-ON-TRENT, 1286. Placiam vero que fuit Johannis le Norreis, que se extendit iuxta predictam viam, concessimus elemosinario nostro qui pro tempore fuerit pro duodecim denariis annuatim ad predictos terminos nobis persolvendis, habeantque tenentes in dicta placia libertates antedictas et teneant tenementa sua sibi et heredibus vel assignatis suis, ut supradictum est, imperpetuum.

(However, the place which belonged to John le Norreis, which extends alongside the aforesaid way, we have granted to our almoner for the time being for 12*d.* to be paid to us annually at the aforesaid terms, and the tenants in the said place shall have the liberties aforesaid and shall hold their tenements to them and their heirs or assigns, as is aforesaid, for ever.)

(10) Sokens in London

LONDON, 1247. (After a grant of premises in Aldermanbury and three advowsons.) Concessimus eciam...predicto Ade (de Bassing) et heredibus vel assignatis suis omnes libertates et liberas consuetudines

quas Henricus rex, avus noster, concessit Reynero de Aldremannebur' qui totum predictum managium aliquando tenuit, et quas postea Ricardus rex, avunculus noster, concessit Gervasio de Aldremannebur', patri predictorum donatorum Gervasii et Alani, videlicet quod predictus Ada et heredes vel assignati sui habeant et teneant omnes terras et possessiones suas infra civitatem London' et extra, ubicunque fuerint, cum advocacionibus ecclesiarum predictarum bene et in pace &c. in boscis et planis &c. in cunctis locis et in rebus cunctis infra burgum et extra cum soka et saka et thol et theam, infangenethef et utfangenethef, hamsocne, grithbruche, blodwite, fridwite, fichtwite, heyngwite et leyrwite de omnibus causis que sunt vel esse possunt: et quod liberi sint ab omni scotto et geldo, tallagiis, auxiliis omnium vicecomitum et omnium ministerialium eorum, et de skyris et hundredis, sectis et assisis: et quod non ponantur in placitum de aliqua terra vel tenura sua nisi coram nobis vel capitali justicia nostro: et si forte contigerit quod appelentur de vita vel membris, non tractantur nisi secundum libertates civitatis London', nec pro aliqua quietancia aut libertatibus predictis eis concessis per dictam quietanciam de libertatibus civitatis London'.

(We have also granted...to the aforesaid Adam and his heirs or assigns, all the liberties and free customs which king Henry our grandfather granted to Roger of Aldermanbury who formerly held the whole property, and which king Richard our uncle afterwards granted to Gervase of Aldermanbury, the father of the aforesaid donors, Gervase and Alan, to wit, that the aforesaid Adam and his heirs or assigns shall have and hold all the lands and possessions within London and without wherever they are situate with the advowsons¹ of the aforesaid churches, well and peacefully, &c., in woods and fields, &c., with sake and soke, infangthef and outfangthef, hamsocn, grithbreche, bloodwite, fyrdwite, fightwite, hengwite and leyrwite (the fines for breach of peace, bloodshed, neglect of fyrd, fighting, allowing a thief to escape², and incontinence) from all causes which now exist or may exist hereafter: and that they be quit from all scot and geld, from tallages and aids of sheriffs or their ministers, and from shires and hundreds, suits and assizes: and that they be not impleaded concerning any land or tenement of theirs except before Us or our chief justice: and if by chance it happens that they are appealed of life or limb, they shall not be tried except according to the liberties of the City of London, and not according to any quittance or the aforesaid liberties granted to them by the said quittance of the liberties of London.)

(13) Liberty to have Prison in Borough³

CANTERBURY, 1256 (b). Quod nullus de civitate vel portsoka captus vel rettatus de aliquo crimine vel forisfacto, pro quo debeat

¹ The advowsons were those of St Mary of Aldermanbury, St Mary Magdalen in Milkstreet, and St Michael of Basingshaw; but in 1303 the first two had been transferred to the Canons of St Paul's (*Lib. Cust.* 1, 233). Cf. Stow, *Survey of London*, ed. Kingsford, 1, 287-8; II, 337. (B.)

² Liebermann, *Gesetze der Angelsachsen*, I, 496.

³ See footnote, p. 30.

imprisonari, imprisonetur alibi quam in prisona eiusdem civitatis nec alibi iudicetur quam in civitate, sicut prius fieri consuevit.

(That none of the city or portsoken arrested or accused of any crime or forfeiture, for which he ought to be imprisoned, shall be imprisoned elsewhere than in the prison of the said city, nor shall be tried elsewhere than in the city, as was formerly the custom.)

GREAT YARMOUTH, 1261. Et quod in eadem villa sit quedam gaola ad prisonas nostras et malefactores secundum legem et consuetudinem regni nostri incarcerationandos et custodiendos in eadem.

(And that in the same town there shall be a gaol for the incarceration and custody therein, according to the law and custom of our realm, of our prisoners and malefactors.)

CONWAY, 1284. Volumus etiam et concedimus quod dicti burgenses habeant liberam prisonam suam in burgo predicto de omnibus transgressionibus ibidem, exceptis casibus vitae et membrorum, in quibus casibus omnes tam burgenses quam alii imprisonentur in castro nostro ibidem.

(We will also and grant that the said burgesses shall have their own free prison in the borough aforesaid for all trespasses there, except cases of life and limb, in which cases all, both burgesses and others, shall be imprisoned in our castle there.)

CARNARVON, 1284.

CRICCIETH, 1284.

HARLECH, 1284.

Line 3. *For et read vel.*

BERE, 1284.

FLINT, 1284.

RHUDDLAN, 1284.

OVERTON, 1292.

Line 3. *Omit exceptis...end.*

BEAUMARIS, 1296.

BAKEWELL, 1286. Et si aliquis propter latrocinium seu aliam iniquitatem vel feloniam captus et detentus fuerit infra feodum seu libertatem de Bauquell' volo et concedo quod secundum antiquam consuetudinem sumptibus meis et periculo in prisonam meam detrudatur et conseruetur quousque per iudicium curie mee adiudicetur. Et si ad gaolam domini regis duci debeat similiter ad sumptus meos et periculum meum deducatur et vicecomiti seu eiusdem locum tenenti tradatur.

(And if anyone be taken and detained within the fee or liberty of Bakewell for theft or other offence or felony, I will and grant that, in accordance with ancient custom, he shall be put in my prison and kept there at my cost and risk until his case be decided by a judgment of my court. And if he ought to be taken to the king's gaol he shall similarly be taken at my cost and risk and handed over to the sheriff or his deputy.)

KIRKHAM, 1296. Et quod habeant in eodem burgo carcerem, pilloriam et tribleget et alia huiusmodi iudiciaria instrumenta quae ad liberum burgum pertinent, per quae malefactores et transgressores contra libertates ipsius burgi possint¹ custodiri et castigari.

(And that they shall have in the said borough prison and pillory and ducking stool (?)² and other judicial instruments of this kind belonging to a free borough, by which illdoers and transgressors against the liberties of the said borough may be kept in custody and punished.)

HULL, 1299. Quod quedam prisona nostra fiat et habeatur in eodem burgo ad malefactores ibidem deprehensos castigandos, et furce similiter extra burgum predictum super solum nostrum erigantur, Ita quod predictus custos de infangenethef et utfangenethef justiciam facere possit.

(That there shall be a prison in the said borough for the chastisement of illdoers there captured, and gallows likewise shall be erected without the borough aforesaid on our ground so that the aforesaid warden may execute justice in cases of infangthef and outfangthef.)

"RAVENSEROD," 1299.

BERWICK-ON-TWEED, 1302.

Line 4. *For* predictus custos *read* predicti major et ballivi.

Line 5. *For* possit *read* possint.

CHESTER, 1300. Et si quis captus vel attachiatus fuerit infra libertatem civitatis predictae pro quacunque re, ducatur ad prisonam nostram eiusdem civitatis, scilicet, apud Northgate et non alibi, et ibidem detineatur et custodiatur quousque secundum legem et consuetudinem civitatis eiusdem inde deliberetur.

(And that if any is arrested or attached within the liberty of the city aforesaid for any thing, he shall be taken to our prison in the same city, to wit, to Northgate, and not elsewhere, and shall be there kept and detained until he shall be thence delivered according to the law and custom of the same city.)

NORWICH, 1305. Et quod nullus de civitate predicta vel alius in eadem civitate indictatus vel arrestatus, pro quocunque delicto vel causa fuerit, alibi quam in prisona nostra ejusdem civitatis imprisonetur, set omnes ibidem indictati vel arrestati in prisona illa detineantur secundum legem et consuetudinem regni nostri, nisi exinde amoveantur per speciale preceptum nostrum vel heredum nostrorum vel eciam per preceptum justiciarii nostri de foresta qui pro tempore fuerit, si fortassis de aliqua transgressione foreste indictatus fuerint et ea occasione capti et detenti.

(And that none of the aforesaid city or any other indicted or arrested in the said city, for whatsoever offence or cause it be, shall be imprisoned elsewhere than in our prison in the said city, but all indicted or arrested there shall be detained in that prison according to the law and custom of our realm, unless

¹ Corrected from "pessione."

² "Gibbet or cuckstoole" in seventeenth century translation.

they be removed thence by special order of us or our heirs or also by order of our justice of the forest for the time being, if perchance they have been indicted for some forest trespass, and on that account taken and kept in custody.)

(14) Return of Writs and Direct Relations with the Exchequer

(a) RETURN OF WRITS

CANTERBURY, 1252. Quod ipsi et heredes sui inperpetuum habeant returnum omnium breuium nostrorum de omnibus rebus ad libertatem ciuitatis nostre Cantuarie pertinentibus, tam infra suburbium eiusdem ciuitatis quam infra eandem ciuitatem.

(That they and their heirs shall have for ever return of writs in all things touching the liberty of our city of Canterbury, as well within the suburb of the said city as within the city itself.)

COLCHESTER, 1252.

Line 3. *Omit tam...end.*

NOTTINGHAM, 1255 (b). (20 July.) Quod [ipsi et heredes sui] imperpetuum habeant returnum breuium nostrorum de summonitionibus scaccarii nostri de omnibus ad burgum nostrum Notingham' pertinentibus.

(That they and their heirs shall for ever have return of our writs of summonses of our exchequer touching all matters pertaining to our borough of Nottingham.)

WORCESTER, 1256. (23 February.)

Lines 3, 4. *For de omnibus...end read et omnium aliorum breuium nostrorum predictam civitatem contingentium.*

BASINGSTOKE (a). (20 May.) As Worcester.

Line 3. *For civitatem read manerium et inhundredum.*

SCARBOROUGH, 1256 (b). (25 May.) As Worcester.

Line 3. *After civitatem insert et manerium.*

ORFORD, 1256 (b). (12 June.) As Worcester.

BATH, 1256 (a). (24 July.) Do.

HEREFORD, 1256 (a). (8 August.) Do.

KINGSTON-ON-THAMES, 1256 (c). (13 Sept.) As Worcester.

Line 3. *Read villam suam.*

OXFORD, 1257 (a). (26 March.) As Worcester.

Line 2. *After nostrorum read villam Oxonie et libertates ejusdem tangentium.*

NORWICH, 1256. (25 March.)

Line 2. *After returnum insert omnium.*

For nostrorum...end read tam de summonitionibus scaccarii nostri quam de aliis civitatem nostram de N. et libertatem ejusdem civitatis tangentibus.

NORTHAMPTON, 1257. (18 January.) As Norwich.

YARMOUTH, GT, 1256 (a). (25 March.) *After returnum read omnium breuium nostrorum villam nostram de Gernemua et libertates ejusdem tangentium.*

CAMBRIDGE, 1256 (b). (11 April.) As Yarmouth.

IPSWICH, 1256. (15 April.) Do.

DUNWICH, 1256. (20 April.) Do.

SOUTHAMPTON, 1256 (b). (14 July.) Do.

SHREWSBURY, 1256 (a). (10 August.) Do.

Line 1. *Read eorum heredes and insert burgenses ejusdem villae.*

GLOUCESTER, 1256. (10 August.) As Shrewsbury (*reading villam predictam*).

BRIDGENORTH, 1256 (a). (16 August.) Do.

CANTERBURY, 1256 (b). (21 October.) As Yarmouth.

After tangentium insert tam infra suburbium quam infra civitatem.

HULL, 1299. As Yarmouth.

Line 2. *For villam...end read burgum illum qualitercunque tangentium.*

"RAVENSEROD," 1299. As Hull.

BERWICK-ON-TWEED, 1302. Do.

DERBY, June (?), 1256. Et pro retorno brevium regis habendo¹.

(b) DIRECT RELATIONS WITH THE EXCHEQUER

YORK, 1252. Et quod reddant nobis et heredibus nostris et respondeant ad scaccarium nostrum de summonitionibus ejusdem scaccarii ipsos cives contingentibus, similiter per manum suam propriam.

(And that they pay to us and our heirs and answer at our exchequer for summonses of the same exchequer touching the said citizens, likewise by their own hand.)

YORK, 1256 (a). Et quod dicti cives et eorum heredes per manum suam propriam respondeant ad scaccarium nostrum de omnibus debitis ipsos et dictam civitatem contingentibus. Et deducantur in compotis et retornis suis ad idem scaccarium secundum leges et consuetudines ejusdem scaccarii, sicut vicecomites nostri Anglie in suis compotis ibidem deducuntur.

(And that the said citizens and their heirs shall answer by their own hand at our exchequer for all debts touching themselves and the said city. And they shall be treated in their accounts and returns at the same exchequer according to the laws and customs of the said exchequer, as our sheriffs of England are there treated in their accounts.)

NORWICH, 1256. (25 March.)

Line 1. *Read iidem cives and omit eorum heredes.*

Read manus suas proprias.

2. *After debitis insert et demandis.*

3. *For et dictam civitatem read ipsos cives.*

3-6. *Omit Et deducantur...deducuntur.*

NORTHAMPTON, 1257. (18 January.) As Norwich.

Line 1. *For iidem cives read ipsi.*

2. *After debitis insert summonitionibus.*

3. *Omit cives.*

For contingentibus read tangentibus.

¹ One of the clauses (abbreviated) of the lost charter for which Derby paid a fine of 70 marks (Originalia Roll, 40 Hen. III, m. 4).

SCARBOROUGH, 1253 (*b*). Et quod dicti burgenses et eorum heredes decetero respondeant per manus suas proprias singulis annis ad scaccarium nostrum S. Michaelis de tota firma predicti burgi et de omnibus debitis ipsos burgenses contingentibus.

(And that the said burgesses and their heirs shall from henceforth answer by their own hands every year at our Michaelmas exchequer for the whole of the farm of the borough aforesaid and for all debts touching the same burgesses.)

SCARBOROUGH, 1256 (*b*). Et quod per manus suas proprias respondeant singulis annis ad scaccarium nostrum sancti Michaelis de omnibus firmis, debitis et auxiliis burgum et manerium predicta contingentibus.

(And that by their own hands they shall answer each year at our Michaelmas exchequer for all rents, debts and aids touching the aforesaid borough and manor.)

OXFORD, 1257. (26 March.)

Line 1. *Read* per manum suam propriam.

2. *Omit* sancti Michaelis.

3. *Omit* omnibus.

Omit et manerium predicta.

4. *Add* et de omnibus placitis villam et suburbia ejusdem tangentibus¹.

GREAT YARMOUTH, 1256 (*a*). (25 March.) Et quod ballivi ipsius ville respondere possint per manum suam propriam ad scaccarium nostrum de omnibus debitis suis et summonicionibus ejusdem scaccarii predictam villam de Gernemua contingentibus.

(And that the bailiffs of the same towns shall answer by their own hand at our exchequer for all their debts and the summonses of the same exchequer touching the aforesaid town of Yarmouth.)

CAMBRIDGE, 1256 (*b*). (11 April.)

Line 1. *Omit* ballivi ipsius ville.

2. *Read* per manus suas proprias.

3. *For* debitis *read* demandis.

IPSWICH, 1256. (15 April.)

DUNWICH, 1256. (20 April.)

SOUTHAMPTON, 1256 (*b*). (14 July.)

GLOUCESTER, 1256. (10 August.)

Line 2. *For* ipsius *read* ejusdem.

SHREWSBURY, 1256 (*a*). (10 August.)

Line 1. *Omit* ballivi...ville.

2. *For* respondere possint *read* respondeant.

BRIDGENORTH, 1256. (16 August.) As Shrewsbury.

WORCESTER, 1264. Do.

(c) ATTACHMENT AND SUMMONS IN MESNE BOROUGH²

FARNHAM, 1247. Item, facere debent omnia attachiamenta et omnes summoniciones et omnes deforciationes quae accidunt in burgo

¹ Omitted by Ogle. Supplied from Charter Roll. ² See IV A 3 (Wigan, 1246).

predicto et in villa predicta, exceptis illis quae tangunt ballivum nostrae libertatis.

(Item, they shall make all attachments and summonses and deforcements which may arise in the aforesaid borough and vill, saving those which relate to the bailiff of our liberty.)

SWANSEA, 1306. Nullus insuper ballivus noster forinsecus habeat potestatem attachiandi quemquam de burgo nostro de Sweyn' infra libertatem burgi memorati.

(No foreign bailiff of ours shall have power to attach anyone of our borough of Swansea within the liberty thereof.)

(15) University Jurisdiction

OXFORD UNIVERSITY, 1244. Noveritis nos pro quiete vniuersitatis studencium Oxon. de speciali gracia nostra concessisse cancellario et vniuersitati predictae quod, quamdiu nobis placuerit, in causis clericorum ex mutuis datis aut receptis, aut taxacionibus seu locacionibus domorum, aut equis conductis, venditis seu commodatis, seu pannis et victualibus ortum habentibus seu aliis quibuslibet rerum mobilium contractibus in municipio aut suburbio Oxon. factis, nostra prohibicio non currat set huiusmodi cause coram cancellario vniuersitatis Oxon, non obstante prohibicione nostra, decendantur.

(Know ye that for the quiet of the university of the students of Oxford and of our special favour, we have granted to the chancellor and university aforesaid that during our pleasure, in cases of clerks relating to loans given or received, or assessments or lettings of houses, or the hiring or sales or loans of horses, or cloth or victuals held back (?) or other contracts of any kind relating to moveable things within the town or suburb of Oxford, our prohibition shall not run, but cases of this kind shall, notwithstanding our prohibition, be decided before the chancellor of the university of Oxford.)

OXFORD UNIVERSITY, 1255. Si laicus inferat clerico gravem vel enormem lesionem, statim capiat; et si magna sit lesio, incarceration in castro Oxonie, et ibi detineatur quousque clerico satisfiat, et hoc arbitrio cancellarii et vniuersitatis Oxon. si clericus protervus fuerit: si minor vel levis sit iniuria, incarceration in villa.

Si clericus inferat gravem vel enormem lesionem laico, incarceration in predicto castro quousque cancellarius predictae vniuersitatis ipsum postulaverit; si minor vel levis sit iniuria, incarceration in carcere ville quousque liberetur per cancellarium.

(If a layman commit a grievous or serious injury on a clerk (*i.e.* a scholar), he shall be arrested immediately: and if the injury be great, he shall be imprisoned in Oxford castle and detained there until he has satisfied the clerk, and this according to the judgment of the chancellor and university of Oxford if the clerk be exacting: if the injury be light, he shall be imprisoned in the town.

If a clerk commit a grievous or serious injury on a layman, he shall be imprisoned in the castle aforesaid till he be demanded by the chancellor: if the injury be light, he shall be imprisoned in the prison of the town till he be released by the chancellor.)

CAMBRIDGE UNIVERSITY, 1268.

Line 3. *For* in castro Oxonie *read* in villa ipsa.

For satisfiat *read* fuerit satisfactum.

3-5. *Omit* et...villa.

7. *For* castro *read* villa.

8-9. *Omit* si...cancellarium.

OXFORD UNIVERSITY, 1286. Sciatis quod concessimus dilectis nobis magistris et scholaribus vniuersitatis Oxon. quod suus cancellarius, qui pro tempore fuerit, de accionibus personalibus et quibuscunque contractibus initis et ineundis inter ipsos magistros et scholares ac eorum quemlibet et Judeos nostros ibidem libere possit cognoscere, et in ipsos Judeos, quos super huiusmodi accionibus et contractibus conuinci contigerit coram ipso censuram ecclesiasticam si necesse fuerit exercere. Ita quod cum Judeus aliquis super aliqua lesione alicui scolari vniuersitatis predictae contra pacem nostram illata aut etiam inferenda coram cancellario memorato fuerit legitima probacione convictus, volumus et concedimus per presentes quod idem malefactor per vicecomitem nostrum Oxon. vel constabularium castri nostri ibidem statim ad denunciacionem prefati cancellarii capiatur et salvo custodiatur in nostra prisiona donec de lesione huiusmodi leso fuerit satisfactum prout eisdem magistris et scholaribus de lesionibus ibidem per laicos sibi factis per cartas progenitorum nostrorum regum Anglie plenius est concessum...quamdiu nobis placuerit.

(Know ye that we have granted to our beloved masters and scholars of the university of Oxford that their chancellor for the time being may freely have cognisance of personal actions and contracts of any kind entered or to be entered into between the same masters and scholars and any of them and our Jews there, and to punish by ecclesiastical censure those Jews who over actions and contracts of this kind may chance to be convicted before him. So that when any Jew is convicted by lawful proof before the said chancellor of any injury done or even contemplated against any scholar of the university against our peace, we will and grant by these presents that the said malefactor shall be taken immediately by our sheriff of Oxford(shire) or the constable of our castle there at the denunciation of the said chancellor, and shall be kept safe in our prison until for such injury satisfaction shall be made to the injured party, as is granted to the same masters and scholars concerning injuries done to them by lay folks by the charters of our progenitors, kings of England. During our pleasure.)

OXFORD UNIVERSITY, 1275. Sciatis quod de gracia nostra speciali concessimus scholaribus universitatis Oxon. quod in omnibus accionibus personalibus possint convenire burgenses et alios laicos

municipii¹ nostri Oxon. coram cancellario ejusdem universitatis et quod per prohibitionem nostram super hoc nequaquam impediantur.

(Know ye that of our special favour we have granted to the scholars of the university of Oxford that in all personal actions they may summon the burgesses and other lay-folk of our municipality of Oxford before the chancellor of the same university, and that they shall in no way be hindered by our prohibition in this matter.)

(16) Grant of Gallows²

LYDHAM, 1270. Concessimus etiam eidem Adae quod in solo suo proprio infra manerium suum predictum quasdam furcas penales erigere et in eis latrones cum manu opere captos et convictos suspendere possit, ad execuciones iudiciorum latronum et dampnatorum ibidem faciendas, prout alibi in regno nostro fieri consuevit, si sine preiudicio nostri vel libertatis aliorum de partibus illis fieri possit, et furcas illas sic erectas tenere sibi et heredibus suis imperpetuum.

(We have granted also to the said Adam that on his own soil within his manor aforesaid he may erect gallows and on them hang robbers caught with the stolen property and condemned, (and may use such gallows) for executing judgments on robbers and condemned persons as is wont to be done elsewhere in our realm, if it can be done without prejudice to the liberties of ourselves or of others of those parts, and he may hold those gallows so erected to him and his heirs for ever.)

DERBY, 1216-72. Habent furcas per feoffamentum dicti Henrici regis et regis Johannis patris sui³.

(They have a gallows by the feoffment of the said king Henry and of his father king John.)

(17) Demand of Court

DROGHEDA (Louth), 1253. Et si aliquis burgensis attachiatus fuerit extra metas predicti burghi, major et burgenses ejusdem burghi habeant de eo curiam suam, et justiciam conquerenti exhibeant, sicut comes, baro vel alius magnas Hibernie curiam suam de hominibus suis habere debet, secundum legem terre nostre Hibernie.

(And if any burgess be attached without the bounds of the aforesaid borough, the mayor and burgesses of the said borough shall have their court of him, and shall do justice to the complainant, in the same way as any earl, baron or other magnate of Ireland ought to have his court of his own men, according to the law of our land of Ireland.)

YORK, 1262. (Letters Patent, after reciting the clause in IVA 4 from the charter of 1256.) Nos dictis civibus fidelibus nostris pro laudabili servicio suo nobis impenso, concedimus...quod ipsi inperpetuum,

¹ "Municipium" used only in university charters.

² See also Hull, 1299, in subsect. 13 above.

³ Rot. Hundr. i, 61.

per unum vel duos de concivibus suis patentes literas communitatis sue super hoc deferentes, tam coram nobis quam justiciis nostris de Banco et quibuscunque aliis justiciis, ballivis seu ministris nostris curiam et libertatem suam exigere possint, et eam habere de omnibus personis, rebus et querelis de quibus ad ipsos curiam suam per cartam predictam habere pertinet, et unde curiam suam per cartam eandem hactenus habere consueverunt.

(We, in consideration of the praiseworthy service rendered to us by our loyal citizens aforesaid, have granted that they may for ever, by one or two of their fellow citizens bearing letters patent of their community in this behalf, claim their court and liberty both before us and before our justices de Banco, and before any other justices, bailiffs or ministers of ours whomsoever, and shall have that court in respect of all persons, matters and complaints concerning which it pertains to them by the charter aforesaid to have their court, and for which they have had their court hitherto by virtue of the same charter.)

WARTON, 1246-71. Et si quis burgensis implacitatus fuerit in curia mea capitali de manerio et feodo de Warton, dicti burgenses curiam burgi de eo habebunt, si curiam hora competente postulaverint.

(And if any burgess be impleaded in my chief court for the manor and fee of Warton, the said burgesses shall have court of him, if they claim their court at a reasonable time.)

LEICESTER, 1277. *A curt prendre.* E pur ceo ke vsage est en la vile ke vn home ki tegne del Cunte en chef, si il seit enplede, il memes ou son seignor de ki il tent en chef purrunt venir e demander curt de li, auint souent ke puis ke la partie en sa suite fut longement trauaile e la Curt ausi, dunk a deprimis vint il v sun seignor e demaunda sa Curt e le aueit, e en cele Curt derichef fist tut nuuels delais: sur ceo est ore purueu ke cely ki voile curt demaunder vegne e la demaunde dedenz la terce curt de la parole atache, e auant ke la parole seyt querele ou respundu. E si ceo nun, perde sa curte de cele querele. E puis quant auera sa curt, face pleine dreiture. E si il ne le face, vegne le pleintif arere a la cheue curt e pruisse par dous leus humes en quei cele curt li est faili de dreiture. E seit le seignor garni a venir a ce oyir si volt, e son aduersaire ausi. E si la defaute de la curt seit proue voysent auant en la principal en la cheue curt cum ad este vse auant.

(And whereas it is customary in the town that if a man who holds of the Earl in chief, be impleaded, he himself or the lord of whom he holds in chief, could come and demand court of him, it often happened that when a party had traueiled long in his suit and the Court also, then for the first time he came, or his lord came, and demanded his court and got it, and in this (the Earl's) court, going back to the beginning he made entirely new delays: therefore it is now provided that he who wishes to demand court must come and demand it within the third court after attachment of plaint and before the plaint is disputed or answered: and if he does not do so, let him lose his court of that suit. And then, when he shall have his court let him do full right. And

if he does not do it, let the plaintiff come back to the chief court and prove by twelve lawful men wherein that court has failed him of right: and let the lord be warned to come and hear this if he will, and his adversary also. And if the default of the court is proved, let them proceed in the principal (plea) in the chief court, as has been customary heretofore.)

(18) Appeal in Defect of Justice in Borough Court

RICHMOND, 1268. Et si aliquis de dicto burgo vel de burgensibus suis querimoniam faceret quod ei in curia sua minus juris fecissent, seneschallus ipsius Johannis secundum consuetudinem legum burgi inde faceret emendationes.

(And if any of the said borough or the said burgesses made complaint that they had done injustice to him, the steward of the said John should make amends to him in that behalf according to the custom of the laws of the borough.)

CINQUE PORTS, 1278. Ita tamen quod cum ipsi barones in justicia facienda et recipienda defuerint, custos noster et heredum nostrorum Quinque Portuum, qui pro tempore fuerit, portus et libertates suos in defectum eorundem ingrediatur ad plenam justiciam ibidem faciendam.

(Provided that when the said barons fail in doing or receiving justice, our warden of the Cinque Ports for the time being shall enter their ports and liberties in their default for the purpose of doing there full justice.)

FAVERSHAM, 1302.

(19) Lord's Justice¹

HAVERFORDWEST, 1219-31. Quod nullus ipsorum ponatur in placitum de burgagio suo nisi coram nobis et per breve de recto.

(That none of them be impleaded concerning his burgage, except before us, and in pursuance of a writ of right.)

FARNHAM, 1247. Item, de omni secta curiae nostrae erunt quieti, preter quod ad duo hundreda de Lagheday ad castrum nostrum de Farnham per annum, et ad capitula regalia respondere debent sine occasione.

(Item, they shall be quit of every suit to our court, except that they must answer at the two yearly hundred moots of Lawday at our castle of Farnham, and to the royal inquest (*i.e.* the chapters of inquiry at the View of Frankpledge) without vexatious treatment.

FAVERSHAM, 1261. Sciatis quod cum multis retroactis temporibus esset contentio suborta inter abbatem de Faversham et barones ejusdem villae super libertatem de infangenethef et utfangenethef infra villam de Faveresham habendam, quam dictus abbas ex parte una sibi vindicavit et quam dicti barones ex parte altera ad se pertinere dixerunt, tandem

¹ See also VI 3 (Uttoxeter, 1252) where the court leet is reserved.

abbas et barones coram nobis unanimiter concesserunt quod ipse abbas et successores sui imperpetuum habeant et teneant in curia sua de Favershams placita dictae libertatis et etiam omnia alia placita infra villam eandem ad libertatem quinque portuum pertinentia sine omni contradictione et impedimento, Salvis placitis ad curiam nostram de Shepeweyp pertinentibus et salva baronibus nostris [de Dover] libertate sua.

(Know ye that whereas for a long time past there had arisen a dispute between the abbot of Faversham and the barons of the said town concerning the liberty of infangthef and outfangthef within the town of Faversham, which the abbot claimed on the one part and the barons on the other part said belonged to them, At length the abbot and barons unanimously granted in our presence, that the said abbot and his successors should for ever have and hold in his court of Faversham the pleas of the said liberty and also all other pleas in the same town pertaining to the liberty of the Cinque Ports without any contradiction and hindrance, Saving the pleas pertaining to our court of Shepway and saving to our barons [of Dover] their liberty.)

AGARDSLEY, 1263. Salvis mihi et heredibus meis de dictis burgensibus terciis misericordiis de assisis panis et cervisie fractis¹, et sanguine, et hutesio in dicto burgo levato; solvantur mihi annuatim ad duos anni terminos scilicet, ad proximam curiam post festum S. Michaelis et ad proximam post Pascha.

(Saving to me and my heirs the third amercements for breaches of the assizes of bread and beer, for bloodshed, and for hue and cry raised in the said borough, which they shall pay to me at two terms of the year, to wit, at the next court after Michaelmas and at the next court after Easter.)

WARTON, 1246-71. Salvis domino amerciamentis et placitis dicti burgi.

(Saving to the lord the amercements and pleas of the said borough.)

BRIDGETOWN POMEROY, 1268. Preterea volo quod predicti burgenses et heredes sui aut assignati sequantur curiam meam de Brigg' sicut ceteri burgenses mei de Brigg' eam sequuntur, una cum servitiis, usibus et aliis consuetudinibus que quidem burgenses mei de Brigg' facere consueverunt mihi et predecessoribus meis, secundum tenorem carte patris mei filii Johanne de Valletorta eisdem burgensibus de Brigg' confecte.

Et si predicti burgenses et heredes sui aut assignati predicta servicia non faciunt sicut eorum carta testatur, quod bene liceat mihi et heredibus meis aut assignatis compellere predictos burgenses et heredes suos aut assignatos per totum manerium de Bery quousque satisfecerint mihi et heredibus meis aut assignatis rationabiliter secundum consuetudinem burgi de Brigg'.

(Moreover, I will that the aforesaid burgesses and their heirs or assigns shall follow (do suit to) my court of Brigg', as my other burgesses of Brigg')

¹ Corrected from "factis."

follow it, together with the services, uses and other customs which my burgesses of Brigg' have been accustomed to do to me and my predecessors, according to the tenor of the charter of my father, the son of Joan of Valletort, made to the same burgesses of Brigg'.

And if the aforesaid burgesses and their heirs or assigns shall not do the aforesaid services, as their charter witnesses, that it shall be well lawful to me and my heirs or assigns to compel the aforesaid burgesses and their heirs or assigns throughout all the manor of Bery, until they shall have reasonably satisfied me and my heirs or assigns according to the customs of the borough of Brigg'.)

WARTON, 1246-71. Et quod possint¹ placitare in curia mea pro debitis suis sine forisfactura.

(And that they may plead in my court for their debts without forfeiture.)

BAKEWELL, 1286. In primis volo et concedo omnibus et singulis burgensibus et libere tenentibus et eorum heredibus seu assignatis predictae ville mee de Bauquell' quod sint liberi et soluti a secta curie mee de Bauquell', salua mihi et heredibus meis una apparencia eorundem ad magnam curiam meam post festum sancti Michaelis infra predictam villam seu manerium de Bauquell' singulis annis per ballium meum tenendam. Ita quod legitime summoniti ad curiam meam veniant cum implacitati fuerint per aliquem de eisdem iuste conquerentem seu magnum breue de recto vel pro aliquo incarcerato adiudicando iudicium dependens fuerit in predicta curia mea, in quo eorum presenciam fuerit necessaria.

(In the first place I will and grant to all and each of the burgesses and freeholders and their heirs or assigns of my aforesaid town of Bakewell that they be free and released of suit to my court of Bakewell, saving to me and my heirs one appearance on their part at my great court to be held yearly after Michaelmas within the said town or manor of Bakewell by my bailiff. Provided that, if lawfully summoned, they shall come to my court when impleaded by one who has a just plaint against them or when there is a great writ of right or a judgement on a prisoner pending in my aforesaid court at which their presence is necessary.)

CHESTERFIELD, 1294. Et omnes tenentes in villa residentes venient bis per annum ad curiam meam et heredum meorum, et presentabunt et respondent de articulis pacem domini regis tangentibus, exceptis braciatoribus et effusione sanguinis ac huthes'² que non presentabuntur, et ibi venient, nisi alibi sint, ad pacem domini regis, et habeant racionales summoniciones³, et venient ad curiam quando breve domini regis est in curia et ad iudicandum latrones, si necesse fuerit, per rationabiles summoniciones quindecim dierum.

(And all tenants residing in the town shall come to the court of myself and my heirs, and shall make presentment and answer concerning the articles touching the peace of our lord the king, except brewers and bloodshed and

¹ Corrected from "presint."

² *I.e.* huthesium (hue and cry).

³ "Simmoniciones," MS. here and below.

hue and cry which shall not be presented, and (unless they are elsewhere) they shall come there to the peace of our lord the king, and they shall have reasonable summons, and they shall come to our court when a writ of our lord the king is in the court and to judge robbers, when it is necessary, by reasonable summons of fifteen days' notice.)

YEOVIL, 1305-6. And that every one of them (the burgesses) shall do suit at the three-weeks court or at the portmote of the rector (*persona*, who was lord of the town). [It was further acknowledged that the rector by right of his church had view of frankpledge twice yearly, at Michaelmas and Hokeday, with all the profits.]

SWANSEA, 1306. Nullus insuper ballivus noster decetero [teneat?] hundredum vel curiam sine commissione nostra speciali aut commissione senescalli nostri, si ipse habeat potestatem per commissionem nostram expressam alium loco suo substituendi.

(Moreover, no bailiff of ours shall in future (hold) a hundred or court without our special commission or the commission of our steward if he has power by our express commission to appoint a deputy.)

SWANSEA, 1306. Quod si nos vel heredes nostri fuerimus in tenura alterius iuris plenariam iusticiam faciemus cuilibet conquerenti per billetum nobis porrectum, si in partibus illis fuerimus. Sin autem tradatur billetum senescallo nostro qui pro tempore fuerit et si satisfaccio competens facta non fuerit, extunc immediate de cancellaria nostra breue concedatur in omni causa dissaisine, set in aliis casibus quibuscunque liberum tenementum tangentibus, nobis in partibus Anglicanis aut alibi remotius agentibus, billetum in forma premissa senescallo porrigatur, set si necesse fuerit brevis exhibicio, usque ad duos menses completos differatur, et tunc quidem in liberacione brevis et execucione facienda contra nos velud contra quemcumque alium in forma iuris per consideracionem hundredi nostri procedatur, quod si per cartam ad warentiam vocati fuerimus iusticiam consimiliter faciemus in forma memorata. Nec alicui vendemus aut negabimus iusticiam.

(But if we or our heirs shall be in possession of another's right, we will do full justice to every complainant by bill delivered to us, if we be in those parts. But if not, let the bill be delivered to our steward for the time and if competent satisfaction be not done, then a writ shall at once be granted from our chancery in every case of disseisin, but in any other cases touching a free tenement, we being in England or elsewhere more remote, let the bill be presented to the steward in the form premised, but if a writ should be granted, let the matter be deferred for two full months, and let it proceed by the delivery of a writ and execution against us as against other in form of law by the consideration of our hundred (court). But if we are required by charter to give warranty, we will do justice similarly in the form described. Nor will we sell or deny justice to any.)

SWANSEA, 1306. *Pretereā volumus...quod cancellaria nostra in partibus Goher iugiter habeatur et aperta ac presto sit omnibus et singulis brevia petentibus sine denegacione aut aliqua difficultate, nec pro quocunque breui amplius quam septem denarii donetur. Si vero petens breue de forma sibi concessa per cancellarium nostrum non fuerit contentus, fiat ei breue secundum sui ordinacionem periculo suo, dum tamen iuri consonum videatur, et transcriptum brevis pro uno denario petenti exhibeatur.*

(Moreover, we will...that our chancery in the parts of Gower shall be continuously held and open and ready for all and singular seeking writs, without denial or raising difficulties, nor shall more than 7*d.* be given for any writ. If, however, the applicant for a writ be not content with the form granted him by our chancellor, let a second writ be made for him according to his direction at his own risk, provided it seems legal, and let the transcript of the writ be delivered to the applicant on payment of 1*d.*)

(20) Renunciation of Free Borough Court

WARRINGTON, 1300¹. *Omnibus hominibus presentibus et futuris hoc scriptum visuris vel audituris omnes libere tenentes et communitas totius ville de Werinton' salutem in Domino sempiternam. Noveritis nos concessisse, remisisse et omnino pro nobis et heredibus nostris quietum clamasse domino nostro capitali Willelmo le Botiller, domino de Werinton', curiam burgensium de Werinton cum omnimodis libertatibus, pertinentiis et apendiciis suis. Ita quod nos nec heredes nostri, nec aliquis per nos nec jure nostro, aliquid jus, clameum vel calumpniam ratione alicujus donacionis vel concessionis aut alicujus alterius tituli versus predictam curiam cum omnibus pertinentiis, libertatibus et apendiciis suis nunquam de cetero exigere, vendicare poterimus in perpetuum vel optinere. In cujus rei testimonium huic presenti scripto sigillum communitatis predicte ville de Werinton' pro nobis et heredibus nostris apposuimus. Hiis testibus, domino Henrico de Kychel' (Keighley), etc.*

¹ Warrington had been created a borough, with a free court (so the burgesses later alleged), by the grandfather and namesake of the William le Botiller of this charter who opposed the claim to the court and after long litigation secured this renunciation and the suit of the inhabitants to his own baronial court (*V.C.H., Lancs.* III, 319). In return he had in 1292 granted them a charter of privileges, but as "free tenants" not burgesses. The editors of the *Victoria County History* translate *communitas* at the beginning of the renunciation of 1300 by "burgesses," but it probably only means that the freeholders were acting in their corporate capacity. Despite this formal avoidance of the term "burgesses," it continued to be used in deeds along with "burgages" and even borough court (1441) and the status of Warrington probably did not differ from that of many other small towns under strict seignorial control which were freely called boroughs and their inhabitants burgesses. But as the charter of 1292 should be read as a whole, we have relegated it to an appendix. It should be noted that Mr Beamont, who did not know of the earlier existence of the borough, quite misunderstood the intention and effect of the charters of 1292 and 1300 (*Annals of the Lords of Warrington*, Cheth. Soc. O.S. LXXXVI, 120).

(To all men present and future who shall see or hear this present writing all the free tenants and community of the whole town of Warrington, eternal salvation in the Lord. Know ye that we have granted, remised and wholly quitclaimed for us and our heirs to our chief lord William le Botiller, lord of Warrington, the burgess court of Warrington with all its liberties, appurtenances and appendages. So that neither we nor our heirs, nor anyone on our behalf or in our right, shall ever in future be able to demand, challenge or maintain any right, claim or pretension to the aforesaid court with its appurtenances, etc., on the ground of any gift or grant or any other title to the same. In witness whereof we have affixed to the present writing, for us and our heirs, the seal of the community of the aforesaid town of Warrington.)

IV. JURISDICTIONAL PRIVILEGES

B. MODES OF TRIAL

(1) Trial by Battle¹

LONDON, 1227 (*d*)². Et quod nullus eorum faciat duellum.

(And that none of them shall fight a duel.)

ROCHESTER, 1227.

WARENMOUTH, 1247.

DROGHEDA (Louth), 1229. *Add de aliquo appello.*

DROGHEDA (Meath), 1247. *As Drogheda (Louth).*

[DUBLIN, 1192³. Quod nullus civis faciat duellum in civitate de aliquo appello quod quisquam versus eam facere possit.

(That no citizen fight a duel in the city for any appeal which any can make against him.)]

WATERFORD, 1232.

CORK, 1242.

LIMERICK, 1292.

BERWICK-ON-TWEED, 1302. *Add de aliqua felonia super eundem burgum facta.*

[KILKENNY, 1202-10⁴. Item, nullus burgensis mittatur ad duellum de ullo appello quod possit fieri contra eum, nisi de morte hominis et latrocinio vel de aliquo alio placito unde duellum rationabiliter fieri debeat.

(No burgess shall be sent to the duel for any appeal that can be made against him, except for homicide and larceny or any other plea whereon duel ought rightly to be made.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, *c.* 1279.

Add at end dummodo paratus sit vicinorum suorum pati inquisitionem.

ROSBERCON, 1289-95. *As Kilkenny.*

(2) Preservation of Judicial Customs

LONDON, 1227 (*d*)⁵. De terris suis et tenuris quae infra urbem sunt, rectum eis teneatur secundum consuetudinem civitatis.

(Concerning their lands and tenures within the town, right shall be done to them according to the custom of the city.)

LONDON, 1268.

Line 1. *For* quae infra urbem sunt *read* infra urbem predictam.

ROCHESTER, 1227.

¹ See also IV c 8 (Denbigh).

² Vol. I, p. 133.

³ Vol. I, p. 134.

⁴ Cf. vol. I, p. 134.

⁵ Vol. I, p. 134.

WARENMOUTH, 1247.

MELCOMBE [REGIS], 1280. As London, 1268.

LYME [REGIS], 1285. Do.

NOVA VILLA, 1286. Do.

DROGHEDA (Louth), 1229.

Line 1. *For urbem read metas suas.*

2. *For civitatis read burgi de Drogheda.*

DROGHEDA (Meath), 1247. As Drogheda (Louth).

WATERFORD, 1232.

Line 1. *For urbem read Waterford.*

CORK, 1242. As Waterford.

LIMERICK, 1292. Do.

Line 1. *After terris suis insert tenementis.*

[LONDON, 1155¹. De placitis ad coronam pertinentibus se possint disrationare secundum antiquam consuetudinem civitatis.

(Of the pleas pertaining to the crown, they shall clear themselves according to the ancient custom of the city.)]

LONDON, 1227 (d).

LONDON, 1268.

Line 1. *After pertinentibus add de hiis maxime que infra civitatem predictam et ejus suburbium fieri contingant.*

2. *After civitatis add predicte, eo tamen excepto quod super tumulos mortuorum de eo quod dicturi essent mortui, si viverent, non liceat precise jurare, sed loco mortuorum qui ante obitum suum electi fuerint ad eos disrationandos qui de rebus ad coronam spectantibus appellati fuerint vel rectati, alii liberi et legales elegantur qui idem sine dilacione facient quod per defunctos memoratos, si viverent, fieri oporteret.*

(With this exception, however, that it shall not be lawful to swear precisely, over the tombs of the dead concerning what the dead men would have said, if they were alive, but in the place of the dead men, who before their death were elected to clear those appealed or arraigned of matters relating to the crown, other free and lawful men shall be chosen to do without delay the same that ought to have been done by the said dead men, if they had lived.)

MELCOMBE REGIS, 1280. As London, 1268.

For predicte read London.

After excepto insert quod excipitur in libertatibus civium London.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

ROCHESTER, 1227. As London, 1227 (d).

WARENMOUTH, 1247. Do.

Line 2. *After civitatis add Wintoniensis.*

DROGHEDA (Louth), 1229.

Line 1. *After coronam add nostram.*

2. *Omit antiquam.*

After civitatis add nostrae Dublin.

HEREFORD, 1256 (b). Et tunc in casu illo (*i.e.* re tangente communitatem civitatis predicte²) deducantur secundum libertates suas approbatas et hactenus usitatas.

¹ Vol. I, p. 135.

² See p. 189.

(And in that case (*i.e.* matters touching the community of the city) they shall be tried according to their liberties approved and hitherto accustomed to be used.)

BRIDGENORTH, 1256 (*a*).

CANTERBURY, 1256 (*b*).

SCARBOROUGH, 1256 (*a*).

SHREWSBURY, 1256 (*a*).

YORK, 1256 (*a*).

NORTHAMPTON, 1257.

CONWAY, 1284.

Line 2. *Omit* suas.

3. *After* hactenus *insert* racionabiliter.

After usitatas *add* in civitate nostra Herefordie.

CARNARVON, 1284. As Conway.

CRICCIETH, 1284. Do.

HARLECH, 1284. Do.

BERE, 1284. Do.

FLINT, 1284. Do.

RHUDDLAN, 1284. Do.

BEAUMARIS, 1296. Do.

CINQUE PORTS, 1278. Ita quod si quis versus illos placitare voluerit, ipsi non respondeant neque placitent aliter quam placitare solebant tempore Domini Henrici Regis proavi nostri....

Et quod non placitent alibi nisi ubi debuerint et ubi solebant, scilicet, apud Shipweam¹.

(So that if anyone wishes to plead against them, they shall not answer nor plead otherwise than they were wont to plead in the time of King Henry, our great-grandfather....

And that they shall not plead elsewhere than where they ought and were wont, to wit, at Shepway.)

FAVERSHAM, 1302.

(3) Wager of Law; Witness

[DUBLIN, 1192². Sed purgabit se per sacramentum quadraginta hominum ipsius civitatis, qui legales sunt.

(But he shall purge himself by the oath of forty men of the said city, who are lawful.)]

WATERFORD, 1232. *For* quadraginta *read* viginti quatuor.

CORK, 1242. As Waterford.

BERWICK-ON-TWEED, 1302. Do.

LIMERICK, 1292. As Dublin.

DROGHEDA (Meath), 1247. Quod ipsi burgenses se possint acquietare per viginti et quattuor legales homines ejusdem burgi.

(That the same burgesses may acquit themselves by twenty-four lawful men of the same borough.)

¹ The first clause is almost an exact copy of the clause in the charter to Rye and Winchelsea of 1191, and the second is a copy of that in the Hythe charter of 1156 (vol. 1, p. 136).

² See vol. 1, p. 138. The oath is substituted for trial by battle (sect. 1).

SCARBOROUGH, 1253 (c)¹. Quod iidem cives...se defendant ab omnibus appellationibus per iuramenta xxxvi hominum civitatis, nisi quis appellatus fuerit de corpore regis.

(That the said burgesses shall defend themselves from all appeals by the oath of 36 men of the city, unless any is appealed of the body of the king.)

MANCHESTER, 1301. (1) Nullus potest vicinum suum ducere ad sacramentum, nisi habeat sectam de aliquo clamore.

(2) Si aliquis villanus burgenses calumpniatus fuerit de aliquo, burgenses non debent respondere ei, nisi habuerit sectam de burgensibus vel aliis legalibus hominibus.

(3) Si aliquis alii aliquid acomodaverit sine testimonio, non respondebit quicquam ei, nisi habuerit testimonium: et si testimonium habuerit, per sacramentum duorum hominum potest negare.

((1) No one shall have power to put his neighbour to the oath, unless he produces witnesses to some complaint.

(2) If any villain accuses any burgesses of any matter, the burgesses are not bound to answer him, unless he has burgesses or other lawful men as witnesses.

(3) If any one has lent anything to another without witnesses, the borrower shall not answer for anything, unless he produce witnesses: and if he has witnesses, the borrower may deny the loan by the oath of two men.)

CARLOW, 1223². Liceat eisdem burgensibus meis debita sua per sectam legalium virorum dirationare et probare.

(It shall be lawful for my said burgesses to deraign and prove their debts by a suit of lawful men.)

MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289-95.

(4) Trial by Jury

(a) EXEMPTIONS FROM JURY AND JURY SERVICE

WATERFORD, 1232³. Et quod nulla recognitio fiat in villa.

(And that no trial by jury shall be held in the town.)

CORK, 1242.

CARMARTHEN, 1254-7. Et quod nulla inquisitio de rebus forinsecis fiat per predictos burgenses, sed per liberos tenentes patrie, sicut hucusque fieri consuevit.

(And that no inquest concerning foreign matters be made by the aforesaid burgesses, but by the freeholders of the country, as was hitherto wont to be done.)

LAUGHARNE, 1278-82.

Line 2. *For sicut...end read* nec per forinsecos de burgensibus.

HAVERFORDWEST, 1291. As Carmarthen⁴.

¹ See York, 1189-99, vol. I, p. 137.

² See Bristol, 1188, vol. I, p. 139.

³ See Kilkenny, 1202-10, vol. I, p. 140.

⁴ So also Cardigan, 1284.

OXFORD UNIVERSITY, 1265. Cum grave sit et tediosum clericis laicum feodum habentibus poni in assisis, juratis seu recognicionibus, ipsis scolis insistentibus, nos huiusmodi clericis Oxonie studentibus, ad instanciam vniuersitatis ejusdem ville, gratiam facere volentes specialem ipsis concedimus quod, quamdiu studiis ibidem inhereant, et sub habitu clericali in suo studio laudabiliter proficiant, non ponantur in assisis, juratis seu recognicionibus aliquibus, Et ideo vobis mandamus quod dictos clericos contra hanc concessionem non molestetis vel molestari permittatis.

(Whereas it is grievous and wearisome for clerks having lay fees to be placed in sworn assizes or recognitions (*i.e.* inquests) while they are attending the schools, we, willing to do special favour to the clerks of this kind studying at Oxford, at the instance of the university of the said town, grant to them, that so long as they "stick to" their studies there, and wearing the garb of clerks are profiting from their studies in a praiseworthy manner, they shall not be placed in sworn assizes or recognitions of any kind, and therefore we command you that ye do not molest the said clerks, nor permit them to be molested contrary to this grant.)

CINQUE PORTS, 1278. Et quod non ponantur in assisis, juratis vel recognicionibus aliquibus ratione forinsece tenure sue contra voluntatem suam.

(And that they be not placed in assizes, juries or recognitions of any kind by reason of their lands of foreign tenure (*i.e.* outside the liberties of the ports) against their will.)

FAVERSHAM, 1302.

BERWICK-ON-TWEED, 1302. Quod predicti burgenses non ponantur in assisis, juratis vel recognitionibus aliquibus ratione intrinsece tenure sue contra voluntatem suam extra burgum predictum.

(That the aforesaid burgesses shall not be placed in sworn assizes, juries or recognitions without the borough aforesaid by reason of their tenements within the borough against their will.)

NORWICH, 1305. Et etiam quod non summoneantur nec ponantur in assisis, juratis vel inquisitionibus aliquibus de tenuris intrinsecis, seu super quocunque facto, contractu, calumpnia, seu querela in dicta civitate aliquid emergente, nec recognitiones aliquas in assisis vel juratis illis faciant extra civitatem predictam, nisi factum illud nos vel heredes nostros specialiter tangat.

(And also that they be not summoned nor put on any assizes, juries or inquests touching internal tenements, or with respect to any deed, contract, claim or plaint in any way arising in the said city, nor make any recognitions in those assizes or juries outside the aforesaid city, unless the fact specially touches us or our heirs.)

LYNN, 1305.

Lines 2-4. de tenuris...emergente *transferred to line 5 after predictam.*

Line 4. *After burgo insert vel portu ejusdem.*

(b) USE OF JURIES AND EXCLUSION OF NON-BURGESSES

OXFORD UNIVERSITY, 1248. Quod si inferatur iniuria predictis scholaribus, fiat inde inquisicio¹ tam per villatas vicinas quam per burgenses predictos.

(That if any injury be done to the aforesaid scholars, inquest shall be made therein as well by the neighbouring townships as by the burgesses aforesaid.)

CHESTERFIELD, 1294. Et electionem suam propriam de comburgensibus suis, ut in inquisitionibus et assisis, sine impedimento alicujus, prout ab antiquo et postquam feofati sunt habere consueverunt.

(And their own election by their fellow burgesses, as in inquisitions and assizes, without hindrance by any, as they were wont to have of old and after they were enfeoffed.)

HEREFORD, 1256 (b). Quod non convincantur per aliquos forinsecos super aliquibus appellis, rettis, injuriis, transgressionibus, criminibus, calumpniis aut demandis eis impositis aut imponendis, sed solummodo per concives suos, nisi de aliqua re tangente communitatem civitatis predictae².

(That they shall not be convicted by any strangers upon any appeals, indictments, injuries, trespasses, charges, claims, or demands made or to be made against them, but only by their fellow burgesses, unless concerning matters touching the community of the borough.)

BRIDGENORTH, 1256 (a). *For* concives *read* comburgenses.

SHREWSBURY, 1256 (a).

NORTHAMPTON, 1257.

YORK, 1256 (a).

Line 4. *For* nisi...end *read* nisi communitas civitatis predictae fuerit in culpa de aliquo premissorum, vel res ipsa communitatem illam tangat.

SCARBOROUGH, 1256 (a). As York.

CANTERBURY, 1256 (b). Do.

Line 3. *For* demandis *read* forisfactis.

CONWAY, 1284. As Hereford.

Line 3. *After* imponendis *insert* a Kaernarvan usque ad aquam de Cloyt³.

4. *For* concives *read* burgenses nostros predictos.

CARNARVON, 1284. As Conway, but *for* a Kaern....Cloyt *read* infra comitatum de Karnarvan et ripam de Devy⁴, videlicet ab aqua de Aberconewey usque aquam de Devy.

CRICCIETH, 1284. As Conway, but *for* a Kaern....Cloyt *read* a rypa de Kaernarvan quae vocatur Seyntes⁵ usque ad rypam de Devy.

HARLECH, 1284. As Criccieth.

BERE, 1284. As Carnarvon, but *for* infra...Devy (l. 3) *read* a ripa de Abermau usque ad ripam de Devy.

¹ The copy in the *Registrum Privilegiorum* (1770) reads "execucio," but the copy in the Plea Roll reads "inquicio," as does Hare's *Privilegia*, fo. 2 v. (B.)

² See Introduction, p. lxii, and for the rest of the clause, p. 185.

³ Clwyd.

⁴ Dovey.

⁵ Seiont.

FLINT, 1284. As Carnarvon, but *for* Karnarvan...Devy read Flynt et inter ripas de Coneway et Dee.

RHUDDLAN, 1284. As Flint.

BEAUMARIS, 1296. As Carnarvon, but *for* Karnarvan read Angleseye and omit et ripam...Devy (l. 4).

NORWICH, 1305. Et quod cives illi vel successores sui predicti super aliquibus appellis, rettis, calumpniis, transgressionibus, contractibus, aut demandis intrinsecis per aliquos forinsecos minime convinctantur, set solummodo per concives suos, nisi factum illud tangat nos vel heredes nostros seu totam communitatem ejusdem civitatis.

(And that the said citizens or their successors shall not be convicted at all by any foreigners upon any internal appeals, accusations, claims, trespasses, contracts or demands, but only by their fellow citizens, unless the fact touches us or our heirs or the whole community of the city.)

LYNN, 1305.

Line 3. *After* demandis *insert* aut aliis factis quibuscumque.

5. *Add* vel dominos burgi illius aut ministros suos; et tunc fiat sicut hactenus in huiusmodi casu fieri consuevit.

(c) SEIGNORIAL USE OF THE JURY LIMITED

CHESTERFIELD, 1294. Et ego Johannes Wake et heredes mei vel ballivi nostri non ponemus burgenses ad sacramentum, nisi per eorum voluntatem, sine precepto domini Regis nisi bis per annum.

(And I John Wake and my heirs and our bailiffs will not put the burgesses to their oath more than twice a year without a precept of our lord the King, except by their own will.)

(5) Mainprise, the Mainpast, Husband and Wife

(a) MAINPRISE

NEWPORT (Kemmes), c. 1241. Item, burgensis reitatus de aliquo forinseco, replegiatur vicinis suis.

(Item, a burgess accused by any foreigner, shall be bailed by his neighbours.)

SALTASH, *before* 1246. Quod nullus de predictis burgensibus meis capiatur et ad castrum meum ducatur, si de transgressionem quam fecerit sufficientes plegios poterit invenire de paribus suis.

(That none of my aforesaid burgesses be arrested and taken to my castle, if he is able to find sufficient sureties from among his peers for the trespass which he has committed.)

CARMARTHEN, 1254-7. Quod si aliquis eorum alicui infra burgum suum forisfecerit, non ducatur infra portas castelli, dum possit invenire bonos et salvos plegios de stando juri, nisi pro transgressionem pro qua plegiabilis non fuerit.

(That if any of them incur a forfeiture within that borough to anyone, he shall not be taken within the gates of our castle, so long as he can find good and safe pledges to stand his trial, except for an offence for which he is not bailable¹.)

LAUGHARNE, 1278-82.

Line 3. *Omit nisi...end.*

CARDIGAN, 1284.

Line 2. *After castelli add nostri ibidem ad detinendum pro forisfactura illa.*

3. *For nisi...end read nisi [in casu²] transgressionis in quo replegiabilis non extiterit.*

HAVERFORDWEST, 1291. As Cardigan.

WARTON, 1246-71. Quod nullus burgensis capiatur nec imprisonetur aliqua de causa dum plegios possint (*sic*) et velint invenire.

(That no burgess be taken or imprisoned for any cause, if he can and will find pledges.)

CONWAY, 1284. Verumptamen si aliqui dictorum burgensium rettati, accusati vel indictati fuerint super aliquam transgressionem in hujusmodi casibus (*i.e.* apparently "vitae et membrorum"³), nolumus quod ea occasione imprisonentur quamdiu bonam et sufficientem manucapcionem invenerint ad standum inde recto coram capitali justicia nostro vel aliis justiciis nostris ad hoc deputatis.

(But if any of the said burgesses are arraigned, accused, or indicted of any trespass in cases of this kind (*i.e.* punishable by death or mutilation), we will that they shall not be imprisoned on this account so long as they find good and sufficient surety to stand their trial before our chief justice or our other justices appointed for this purpose.)

CARNARVON, 1284.

CRICCIETH, 1284.

HARLECH, 1284.

BERE, 1284.

FLINT, 1284.

RHUDDLAN, 1284.

BEAUMARIS, 1296.

OVERTON, 1292. *After transgressionem insert ubi non fuerit periculum amissionis vitae vel membrorum.*

TENBY, 1265-94. Volumus eciam quod si contingat aliquem burgensium predictorum aliqua occasione attachiari, quod longius non ducatur nisi ad portam Castelli Tenebie si plegios competentes de stando iudicio et legi possit ibidem invenire, nisi pro feloniam unde debeat vitam vel membra amittere.

(We will also that if it happen that any of the aforesaid burgesses should be attached for any reason, he shall not be taken farther than to the gate of the Castle of Tenby, if he can find sufficient sureties for his appearance, unless he is arrested for a felony for which he ought to lose life or limb.)

¹ See also IV c 8.

² Supplied from Haverfordwest.

³ Cf. p. 169. But query whether it was intended to allow bail in cases of felony.

SWANSEA, 1306. Nec prefati burgenses nostri imprisonentur dum possint sufficientem invenire pleuinam ad respondendum in hundredo nostro, nisi pro morte hominis nequiter et per feloniam interfecti captus super factum recenter commissum et qui modo debito fuerit indictatus, latro cum manuopere latrocinii duodecim denarios excedentis deprehensus, incendiarius domorum...ecissorum nequiter in felonia faciendo captus et rite indictatus, utlagatus patrie abjurator, fractor prisone castri nostri de Sweyn' in eodem propter feloniam aut per iudicium curie in ferro detentus, falsor monete cum instrumentis monetariis captus, vel excommunicatus ad instanciam episcopi incarceratus.

(Nor shall our aforesaid burgesses be imprisoned so long as they can find sufficient security that they will answer in our hundred (court), except one arrested soon after the deed for the death of a man wickedly and feloniously slain and who shall have been indicted in due form, a thief taken with the proceeds of a theft exceeding 12d.¹, a burner of houses,...taken committing felony wickedly and duly indicted, an outlaw who abjures his country, a breaker of prison from our castle of Swansea who is kept in fetters there for felony or by judgement of the court, a coiner taken with tools for coining, or an excommunicated person imprisoned at the instance of the bishop.)

(b) THE MAINPAST

OXFORD UNIVERSITY, 1248. Et quod quilibet burgensis Oxonie pro familia sua respondeat: ita quod, si aliquis de familia sua mortem vel gravem iniuriam vel alicui clerico vel suis inferat, malefactorem exhibeat idem burgensis ut fiat de eo iusticia, alioquin infligatur pena secundum consuetudinem regni.

(And that every burgess shall answer for his household, in such manner, that, if any of his household inflict death or grave injury on any clerk or on any of his (servants), the same burgess shall inform against the malefactor, so that justice may be done on him; otherwise a penalty shall be inflicted on him according to the custom of the realm.)

CORK, 1242². Et quod dicti burgenses pro transgressione seu forisfactura servientum suorum catalla et bona sua in manibus ipsorum inventa, aut alicubi locorum per ipsos servientes deposita, quatenus sua esse sufficienter probare poterunt, non amittant.

(And that the said burgesses shall not, for the trespass or forfeiture of their servants, lose their chattels and goods found in the hands of the same servants or deposited anywhere by the same servants, so far as they can sufficiently prove that they are theirs.)

BATH, 1256 (a).

BEVERLEY, 1256.

BRISTOL, 1256.

MONMOUTH, 1256.

HEREFORD, 1256 (b).

¹ The limit between grand and petty larceny (*H.E.L.* II, 495-6).

² See p. 92.

SHREWSBURY, 1256 (a).

KINGSTON-ON-THAMES, 1256 (c).

GUILDFORD, 1257 (a).

OXFORD, 1257 (b).

WORCESTER, 1264.

Lines 1, 2. *For Et...forisfactura read* Quod propter delicta et transgressiones.

Line 2. *For catalla et bona read* bona vel catalla.

Lines 2-4. *Omit* in manibus...poterunt.

CARMARTHEN, 1254-7.

Line 1. *For dicti burgenses read* ipsi.

2. *For ipsorum read* eorundem servientium.

3. *Before deposita insert* in terra nostra.

After quatenus insert ipsi burgenses bona illa vel catalla.

LAUGHARNE, 1278-82. As Carmarthen.

CARDIGAN, 1284. Do.

HAVERFORDWEST, 1291. Do.

CONWAY, 1284.

Line 1. *For dicti read* iidem.

After burgenses insert nostri.

4. *For poterunt read* poterint.

CARNARVON, 1284. As Conway.

CRICCIETH, 1284. Do.

HARLECH, 1284. Do.

BERE, 1284. Do.

FLINT, 1284. Do.

RHUDDLAN, 1284. Do.

OVERTON, 1292. Do.

BEAUMARIS, 1296. Do.

CHESTER, 1300.

Line 2. *After ipsorum insert* servientium.

NORTHAMPTON, 1257. Et quod ipsi aut eorum bona non aretentur alicubi in regno nostro, nec ipsi bona illa amittant pro aliqua transgressionem servientium suorum.

(And that they or their goods shall not be arrested anywhere in our realm, nor shall they lose those goods, for any trespass of their servants.)

BERWICK-ON-TWEED, 1302. Quod si quis servientium suorum felloniam fecerit vel aliquod aliud crimen commiserit pro quo bona et catalla sua perdere debeat, nihilominus bona et catalla ipsorum burgensium in manibus dictorum servientium suorum ubicunque infra regnum seu potestatem nostram inventa ipsorum sint burgensium quatenus sufficienter ea probare poterint esse sua.

(That if any of their servants do any felony or commit any other crime for which he ought to lose his goods and chattels, nevertheless the goods and chattels of the said burgesses in the hands of the said servants wherever they may be found within our kingdom or power shall remain the goods of the said burgesses so far as they can satisfactorily prove them to be theirs.)

(c) HUSBAND AND WIFE

SALFORD, c. 1230. Quilibet potest esse ad placitum pro sponsa sua et familia sua, et sponsa cujuslibet potest firmam suam reddere preposito, facienda quod facere debeat, et placitum sequi pro sponso suo, si ipse forsán alibi fuerit.

(Every one can appear in a suit for his wife and family, and the wife of any can pay his farm to the reeve, performing what he ought to perform, and can appear in a suit for her husband, if perchance he should be elsewhere.)

BOLTON, 1253.

Line 1. *After* Quilibet *insert* burgensis.

2. *Omit* suam.

4. *For* forsán *read* forsitan.

STOCKPORT, c. 1260.

Line 2. *Omit* suam.

3. *For* facienda *read* et facere.

4. *Omit* ipse.

MANCHESTER, 1301.

Line 1. *After* Quilibet *insert* debet et.

3. *Omit* facienda...debeat.

4. *For* forsán alibi *read* forsítam aliunde.

(6) Prohibition of Forced Bail

[*BRISTOL*, 1188¹. Quod nullus burgensis cogatur replegiare aliquem, nisi ipse voluerit, quamvis sit super suam terram manens.

(That none of the burgesses be forced to replevy anyone, unless he will, although he dwells on his land.)]

BRISTOL, 1252.

Line 1. *For* nullus burgensis *read* burgensis ne.

2. *For* ipse *read* bene.

For sit manens *read* maneat.

WATERFORD, 1232.

CORK, 1242.

LIMERICK, 1292.

DROGHEDA (Louth), 1253.

Line 1. *After* burgensis *insert* ejusdem burgi.

[*KILKENNY*, 1202-10². Nullus burgensis cogatur plegiare aliquem, etiam si de eo tenuerit, nisi sponte velit.

(No burgess shall be forced to bail anyone, even if he holds of him, unless he is willing.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289-95.

Line 2. *For* velit *read* voluerit.

¹ Vol. I, p. 141.

² Vol. I, p. 141.

(7) Royal Writs

DROGHEDA (Meath), 1247. Et quod nullus implacitetur de aliquo tenemento infra metas predicti burgi, nisi per breve de recto, et inde plenum rectum in hundredo predicto conquerentibus teneatur, secundum consuetudinem burgi predicti.

(And that no one be impleaded concerning any tenement within the bounds of the aforesaid borough, but by the writ of right, and that full right be done to the complainants thereon in the hundred aforesaid, according to the custom of the borough aforesaid.)

DROGHEDA (Louth), 1253. Et quod nullus burgensis ejusdem burgi respondeat infra burgum illum pro aliquo brevi, nisi pro brevi de recto, de aliquibus tenementis infra metas ejusdem burgi; salvis provisionibus factis loco brevium que currunt in terris forinsecis.

(And that no burgess of the same borough answer within the borough to any writ, except the writ of right, concerning any tenements within the bounds of the same borough, saving the provisions made in lieu of writs which run in lands outside the borough.)

GLOUCESTER, 1256. Et quod nulla brevia nostra currant infra libertatem ejusdem villae Glouc. nisi ea quae ibidem currere debent et hactenus currere consueverunt.

(And that none of our writs run within the liberty of the town aforesaid, except those which ought and were wont to run there.)

SOUTHAMPTON, 1256 (b).

Line 1. *Read* nullum breve...currat.

2. *For* ejusdem...Glouc. *read* predictae ville.

After nisi *read* breve de recto, breve de nova disseisina et breve de dote unde nihil fiet¹, ut consuetum est.

¹ *Rectius* habet. See Glanvill, *De Legibus Angliae*, lib. vi, cc. 14, 15.

IV. JURISDICTIONAL PRIVILEGES

C. PROCEDURE

(1) Times for Holding Courts

[LONDON, 1194¹. Et quod hustengus semel tantum in hebdomada teneatur.

(And that the hustings be held once only in the week.)]

ROCHESTER, 1227 (Portmot).

Line 1. *For hebdomada read quindecim diebus.*

LONDON, 1268. Quod in singulis septimanis teneatur hustengum semel in ebdomada, et hoc tantummodo per unum diem. Ita tamen ut que illo die terminari non poterint, continuantur in crastinum et non ulterius.

(That the husteng shall be held every week, once in the week, and that for one day only, so that the matters which cannot be terminated on that day shall be adjourned to the morrow and no further.)

MELCOMBE [REGIS], 1280.

LYME [REGIS], 1285.

NOVA VILLA, 1286.

[BRISTOL, 1188². Quod hundredum tantum semel teneatur in septimana.

(That the hundred (court) be held once only in the week.)]

BRISTOL, 1252. *After hundredum insert Bristoll'.*

CARLOW, 1223. *For Quod read vero and omit tantum (as Kilkenny)².*

MOONE, 1223. *Do.*

NEW ROSS, c. 1279. *Do. (but reading tantum).*

ROSBERCON, 1289-95. *Do.*

DROGHEDA (Louth), 1229. *For tantum read apud Drogheda.*

DROGHEDA (Meath), 1247. *Omit tantum.*

WATERFORD, 1232.

CORK, 1242.

LIMERICK, 1292. *After tantum read in eadem civitate.*

SALTASH, *before* 1246. Et nullus predictorum burgensium ex consuetudine sequatur hundredum nisi ter in anno, scilicet die Lune proxima post festum S. Hilarii, et die Lune proxima post clausum Pasche, et die Lune proxima post festum Sanctae Fidis, nisi contra preceptum domini regis, vel pro efforciamiento iudicii, vel in placito fuerit, et tunc habeat summonicionem die Sabbati quod die Lune sequenti veniat ad hundredum de placito in quo est responsurus. Et si aliqua summonicio de domino rege vel eius ballivo evenerit, per summonitorem castri mei

¹ Vol. I, p. 142.

² Vol. I, p. 143.

fiat illa summonicio preposito eiusdem ville et postea per prepositum burgensibus.

(And none of the aforesaid burgesses shall customarily attend the hundred court except thrice in the year, to wit, on the Monday next after the feast of St Hilary, and on the Monday after the close of Easter, and on the Monday next after the feast of St Faith, unless to meet a summons from our lord the king or his bailiff, or for affording a judgment, or because he is in a plea, and then he shall have a summons on the Saturday to attend the hundred on the following Monday concerning a plea in which he is to answer. And if there should happen any summons from our lord the king or his bailiff, the summons shall be made on the reeve of the same town by the summoner of my castle, and by the reeve on the burgesses.)

POOLE, c. 1248. Ballivi eciam mei et heredum meorum sexcies in anno placita nostra in predicto burgo nostro tenebunt de modiis et assisis fractis, et omnibus aliis que ad nos de jure possunt pertinere, scilicet, in crastino Circumcisionis, et in octabis Purificationis Beate Marie, et in crastino Annunciationis eiusdem, et proximo die Sabbati post Hokeday, et die Martis proxime post festum Sancti Trinitatis, et triduo ante festum Sancti Petri quod dicitur ad vincula. Quod si in aliquibus dictorum terminorum, vel infra, placita aperta in eodem burgo emergerint, secundum consuetudinem burgorum et civitatum domini regis dicta placita per ballivos nostros pertractentur et in iudicium deducantur, et amerciamenta exinde perveniencia ad modum delicti per ballivos predictos nostros ad opus nostrum capiantur.

(Also, my bailiffs and those of my heirs shall hold our pleas six times in the year in our aforesaid borough, for wrong measures and breaches of assizes, and for all other things which can rightfully pertain to us, to wit, on the morrow of the Circumcision, and in the octave of the Purification of the Blessed Mary and on the morrow of the Annunciation, and on the Saturday next after Hokeday¹, and on the Tuesday next after the feast of the Holy Trinity, and three days before the feast of St Peter ad Vincula. And if in any of the aforesaid terms, or, between them, open pleas shall have arisen in the said borough, according to the custom of the boroughs and cities of our lord the king they shall be dealt with and brought to judgement by our bailiffs, and the fines thence arising according to the nature of the offence shall be taken for our use by our aforesaid bailiffs.)

READING, 1254. (Fine.) Concesserunt etiam predicti burgenses... quod bene licebit dicto abbati et successoribus suis vel eorum ballivis placitare in predicta gildhalla omnia placita que ad predictam villam de Rading' pertinent placitanda. Et quod habeant omnes emendas tam de gildanis quam de aliis. Et quod clavis gildhalle remaneat custodi gildhalle, qui ipsam tradet dicto abbati vel ballivis suis sine contradiccione quando ibi placitare voluerint.

(The aforesaid burgesses have also granted that it shall be lawful for the said abbot and his successors or their bailiffs to plead in the aforesaid Guild-

¹ Second Tuesday after Easter.

hall all pleas which pertain to the said town of Reading. And that they shall have all the fines, both from the members of the Guild and from others. And that the key of the Guildhall shall remain with the keeper of the Guildhall, who shall deliver it to the abbot or his bailiffs without dispute, when they wish to plead there.)

CHARD, 1271-2. Quod nullus eorum teneatur sectam facere nisi ad duo hundreda annuatim in predicto burgo, scilicet ad hundredum Sancti Michaelis et ad hundredum de Hokeday, salvis placitis in eisdem hundredis inchoatis et terminandis de tribus in tres septimanas, et pro brevibus domini regis placitandis, pro latronibus indictandis, et etiam ad legalem summonitionem pro pace et juribus domini regis et nostris attingendis (*sic*).

(That none of them shall be bound to do suit except at two hundred courts annually within the aforesaid borough, to wit at the hundred of Michaelmas and the hundred of Hokeday, except for pleas begun in the same hundreds and to be determined from three weeks to three weeks, and for pleading the writs of our lord the king, and for indicting thieves, and also on legal summons for dealing with the peace and rights of our lord the king and ourselves.)

CONGLETON, 1272-c. 1274. Et quod faciant curie nostre tres apparantias annuatim certis diebus, breve tamen de recto¹ in dicta curia currente, facient sectam de quindena in quindena, pro omnimodis aliis serviciis et demandis.

(And that they make three appearances at our court yearly at fixed times, but that, if a writ of right is current in our court they shall make suit from fortnight to fortnight, for all other services and demands.)

KNUTSFORD, c. 1292. Et quod dicti burgenses mei faciant sectam ad curiam meam magnam bis in anno, videlicet ad proximam curiam post Pascha et ad proximam curiam post festum S. Michaelis: et quod portimotus teneatur in eodem burgo de tribus septimanis in tres septimanas.

(And that the said burgesses shall make suit to my great court twice in the year, to wit, at the next court after Easter, and at the next court after Michaelmas; and that the portmoot be held in the same town from three weeks to three weeks.)

SHEFFIELD, 1297. Preterea volo et concedo quod curia dicte ville de Schefeld de tenentibus meis predictis teneatur infra predictam villam de tribus septimanis in tres septimanas per balliuos meos, sicut actenus usitatum est tempore antecessorum meorum.

(Furthermore, I will and grant that the court of the said town of Sheffield of my aforesaid tenants shall be held within the aforesaid town every three weeks by my bailiffs, as hitherto has been accustomed in the time of my ancestors.)

¹ "directo" in Ormerod; corrected from Yates' *Hist. of Congleton*, p. 109.

(2) Place of Trial

[LONDON, 1199¹. Et de omnibus debitis suis quae accommodata fuerint apud Londonias, et de vadimoniis ibidem factis, placita teneantur apud Londonias.

(And of all their debts which are lent in London and of mortgages there made, pleas shall be held at London.)]

LONDON, 1227 (*d*). *For* apud Londonias *read* ibidem.

LONDON, 1268. *Add* secundum consuetudinem justam et consuetam.

WARNEMOUTH, 1247. As London, 1227 (*d*).

MELCOMBE [REGIS], 1280. As London, 1268, but *after* consuetam *add* in civitate London'.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

BRISTOL, 1252.

Lines 1, 2. *Omit* omnibus *and* *for* factis *read* datis.

DROGHEDA (Louth), 1229.

Line 2. *For* ibidem factis *read* ibi vadiatis (otherwise as Bristol, but retaining omnibus).

DROGHEDA (Meath), 1247. As Drogheda (Louth).

WATERFORD, 1232. As Bristol, 1252 (Dublin, 1192)².

CORK, 1242. Do.

LIMERICK, 1292. Do.

Line 3. *Add* salvis nobis et heredibus nostris placitis ad coronam nostram pertinentibus.

[KILKENNY, 1202–10³. Et si forte placitum emergerit de vadi-
moniis vel de namiis pro debitis captis, in hundredo deducatur.

(And if by chance a plea shall arise concerning mortgages or distresses taken for debts, it shall be tried in the hundred.)]

CARLOW, 1223.

MOONE, 1223.

Line 1. *Omit* vadimoniis.

NEW ROSS, c. 1279.

Line 1. *For* emergerit *read* emersum.

ROSBERCON, 1289–95.

[KILKENNY, 1202–10⁴. Ipsum autem hundredum in villa teneatur.

(Moreover, this hundred shall be held in the town.)]

CARLOW, 1223, and MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289–95.

FAVERSHAM, 1252. Nec alicubi placitent nisi ubi debuerint et
ubi solebant, scilicet apud Shipweiam.

(Nor shall they plead anywhere but where they ought to do and where they have been wont to do, namely at Shipway.)

CINQUE PORTS, 1278.

FAVERSHAM, 1302.

¹ Vol. I, p. 144.

³ *Ibid.*

² *Ibid.*

⁴ *Ibid.* p. 145.

YORK, 1256 (a). Et quod dicti cives non respondeant de aliqua terra vel tenemento infra libertatem dicte civitatis existente, vel de aliqua transgressione facta in eadem libertate, coram aliquibus justiciis nostris itinerantibus apud Ebor' alibi quam in gilda aula sua et hec ad certas dies, de quibus per ipsos justicias premuniti fuerint¹.

(And that the said citizens shall not answer for any land or tenement within the liberty of the said city, or for any trespass committed in the same liberty, before any of our justices in eyre at York, elsewhere than in their Guildhall, and this on certain days of which they have been given notice by the said justices.)

NEWPORT (I. of W.), 1262-93. Omne placitum quod in predicto burgo ortum fuit, quod ad me pertinet, in ipso burgo inter ipsos et per ipsos placitetur.

(And every plea arising in the aforesaid borough which concerns me shall be pleaded in the borough itself between them and by them.)

LINCOLN, 1272. Nos eisdem civibus gratiam amplioem, ad ipsorum instanciam, facere volentes concessimus eis et hoc carta nostra confirmavimus quod omnia placita civitatis ejusdem et non alia decetero placitentur et teneantur in aula placitorum civitatis ejusdem que Gyldehalle vocitatur, et non alibi contra voluntatem civium ipsorum vel successorum suorum, exceptis placitis de tenuris exterioribus et monetariis ac ministris nostris.

(We wishing to do the said citizens greater favour, at their instance, have granted to them and confirmed by this our charter that all pleas of the said city and no others shall henceforth be pleaded and holden in the pleas hall of the said city which is called Guildhall, and not elsewhere against the wishes of the citizens themselves or their successors, except pleas touching tenements outside the town and our moneyers and officials².)

(3) Who may not sue

HAVERFORDWEST, 1219-29. Quod de cetero nulli audiantur super petitionem aliquorum burgagiorum in villa Haverford qui ad summonicionem nostram non comparuerunt ad burgagia sua re-edificanda et ad respondendum de arreragiis nobis inde contingentibus³.

(That in future none shall be heard on a claim for any burgages in the town of Haverford, who have not appeared at our summons to rebuild their burgages and to answer for the arrears due thence to us.)

LEICESTER, 1277. *Holsake*⁴. E pur ceo ke vn vsage fu en la vile ke si un hume se pleinsist de vn altre, taunt cum sa pleinte fust pen-

¹ See also IV B 8.

² The clause follows a confirmation of the London clause (IV A 4 and vol. I, p. 116) which Lincoln first secured in 1194. Cf. VI 14.

³ Corrected from Miss Bateson's copy, *E.H.R.* xv, 519.

⁴ Quoted *B.C.* II, 9. Possibly of Scandinavian origin, from *hald-sak*, an action which detains (Bateson, *u.s.*).

daunte, son aduersaire de nul pleinte, dunt il se pleinsist de li, serreit oy, dunt auint souent, ke si un hume eust batu vn altre, si celi ki le tort aueit fet peust cure auaunt al baillif et pleindre sey, e celi ki tut le damage eust rescu venist apres e se pleinsist, ia ne sereit oy pur la pleinte lautre; sur ceo est purueu ke chescun en sa pleinte vers altre seit oy, e chescun estoise a dreit uers altre si cum dreit veut auer. E mes par cel vsage ke fu apele Holsake home seit delae de son dreit siure.

(And whereas there was an usage in the town that if a man impleaded another, so long as his plaint was pending, his adversary should not be heard in any plaint made against him, whence it often happened that when a man had beaten another, if he who had done the wrong could run in front to the bailiff and make plaint, and he who had received all the damage came after and made plaint, the latter would not be heard because of the plaint of the other: wherefore it is provided that each shall be heard in his plaint against the other, and that each stand to right against the other, as right will have it. And no more by that usage, which was called Holsake, shall a man be delayed of suing his right.)

SWANSEA, 1306. Nec pro aliquo delicto in dicto burgo commissio aliquis de dicto burgo existens indictetur per Wallenses aut aliquos de familia nostra existentes¹.

(Nor for any offence committed in the said borough shall anyone of the said borough be indicted by Welshmen or any of our household.)

(4) Essoins

POOLE, c. 1248. Si vero contingat aliquos dictorum burgensium nostrorum terminis pretaxatis curie nostre per maris impedimentum interesse non posse, ballivi nostri absentiam suam nullo modo reputabunt defalcata, set cum redierint et aliqua placita aperta contra eos interim fuerint emersa, secundum predictam consuetudinem coram ballivis nostris juri parere compellantur.

(Moreover, if it happen that any of our said burgesses cannot attend our court at the appointed terms by reason of hindrance caused by the sea, our bailiffs shall in no manner consider their absence as a default, but when they return, and any open pleas shall have been commenced against them in the meantime, they shall be compelled to obey the law according to the aforesaid custom before our bailiffs.)

LEICESTER, 1277. *Forfal*². A ceo si le defendaunt eit plegges troue ou mainpernors de estre a la Curt a certain ior e ne i puisse estre, eyent les plegges ou les meinpernors sil uoient a ior vn forfal pur ly en lu de assoyne, cum auaunt fu use, e le eyent puis auaunt a un altre ior.

¹ Cf. vol. I, p. 145.

² Forfal = Danish Forfald, hindrance: here, a sufficient excuse (Bateson, *Records of Leicester*, I, 153). Quoted *B.C.* I, 152.

(Also, if the defendant has found pledges or mainpernours for his appearance at the Court on a certain day and he cannot be there, let the pledges or the mainpernours, if they wish, have on the day a forfal for him, instead of an essoin, as was formerly the custom, and let them have him there on another day.)

LEICESTER, 1277. Have Lawe. A ceo quel oure ke les parties vegnent primes ensemble en Curt, le defendaunt, sil veut, die Hauelawe e par taunt passe a cele iornee cum auaunt fu use, issi ke mes par haue-lawe dire en vne querele ne seit delay grante for vne fiez. Et quant il auera dit Hauelawe, trusse plegges ou mette sum estal en pleggage, si il seit estale, de venir a la prochein Curt siwant cum fu auaunt vse. E si dunc ne vegne, seit destreint par la grant destresce cum auaunt est dit des kil vegne, e quant il vent, seit en la merci si il ne puisse ses defautes sauuer¹.

(Also at the time when the parties first come together in Court, let the defendant, if he will, say Have Law, and thereby go free on that day as was formerly the custom, but by saying Have Law in one suit, delay may not be granted more than once. And when he has said Have Law, let him find pledges or, if he be stalled, put his stall in pledge to come to the next court following as was formerly the custom. And then if he does not come, let him be distrained by the great distress as is said above till he does come, and when he comes, let him be in mercy if he cannot save his defaults.)

LEICESTER, 1277. E pur ceo ke les merchaunz furent souent as grant feyres de la terre, fu vse ke taunt cum les grant feyres sistrent nul plai ne fust tenuz, nent plus de ceus ke furent a meson ke de ceus ke furent a feyres, est ore purueu ke les curz soient tenues e dreiture seit fete de ceus ke a meson sunt, e ceus ki a feyres sunt soient assoinez par les feires, ceo est asauer par ceus feires dunt assoine soleient estre auaunt ces oures, si issi ne seit ke ceus ke as feires sunt auaunt lor aler la eient fet atornez ke lor dreit puissent siure ou defendre.

(And whereas merchants were often at the great fairs of the land, it was customary that when the great fairs were held, no plea was held neither of those that were at home nor of those who were at the fairs, it is now provided that the Courts be held and right done on those who are at home, and that those who are at fairs be essoined by reason of the fairs, that is to say by those fairs of which essoin was usual before now, unless it be that those who are at fairs, before their going have appointed attornies who may sue or defend their right.)

CHESTERFIELD, 1294. Et unusquisque burgensium essoniabit alium ad curiam sine calumpnia, quando fuerint absentes.

(And each of the burgesses shall essoin another at the court without challenge, if they are absent.)

MANCHESTER, 1301. Si aliquis implacitatus fuerit ante dies Laghmot et tunc venerit, oportet eum respondere et non debet se essoniare

¹ Quoted *B.C.* 1, 151.

sine forisfactura. Et si tunc primo implacitatus fuerit, tunc habebit primum diem.

(If any person be impleaded before the day of the Lawmoot and attend on that day, he ought to answer then and not excuse himself without forfeiture. But if he be then impleaded for the first time, he shall be allowed a delay till the next court day.)

(5) Default of Appearance, etc.

SALFORD, c. 1230. Si aliquis implacitatus fuerit de vicino suo vel de aliquo alio de aliquibus que ad burgum pertineant et iii dies secutus fuerit, si testimonium habuerit de preposito et de vicinis suis quod adversarius suus defectus sit ad hos iii dies, nullum postea det ei responsum de illo placito, et alter cadat in misericordiam.

(If any be impleaded by his neighbour or any other concerning any things pertaining to the borough and attend court for three days, if he have testimony from the reeve and his neighbours that his adversary made default in appearance for those three days, he shall thereafter give no answer to that plea, and the plaintiff shall incur an amercement.)

BOLTON, 1253.

Line 2. *Before tres insert per.*

4. *For defectus sit read defecerit.*

STOCKPORT, c. 1260.

Line 4. *For sit read fuerit.*

MANCHESTER, 1301.

Line 2. *Omit alio...pertineant.*

3. *After vicinis suis insert de Portmanmot.*

5. *Omit et...misericordiam.*

SALFORD, c. 1230. Si aliquis burgensis aliquem burgensem implacitaverit de aliquo debito, et ipse cognoverit debitum, prepositus ponat ei diem, scilicet octavum, et si non venerit ad diem reddat mihi duodecim denarios pro forisfactura diei, et debitum reddat et preposito quatuor denarios.

(If any burgess implead another burgess for debt and the latter admit the debt, the reeve shall fix the eighth day for him, and if he do not appear on that day he shall pay me twelve pence for the forfeiture of the day, and shall pay the debt and four pence to the reeve.)

BOLTON, 1253.

Line 2. *For ipse read debitor.*

3. *Omit scilicet.*

4. *Before diei insert illius.*

Before preposito insert similiter.

STOCKPORT, c. 1260.

Line 3. *Omit mihi.*

MANCHESTER, 1301.

Line 2. *For prepositus read prefectus.*

3. *For mihi read predicto domino.*

4. *For preposito quatuor read prefecto octo.*

SALFORD, c. 1230. Si vero prepositus ville aliquem burgensem calumpniaverit de aliquo placito, et calumpniatus non venerit ad diem, nec aliquis pro eo infra Laghemot, in forisfactura mea est de duodecim denariis.

(But if the reeve of the vill accuse any burgess of any plea, and the accused person does not appear on the day, nor any one for him, at the Lawmoot, he has incurred a forfeiture to me of twelve pence.)

BOLTON, 1253.

Line 3. *For* Laghemot *read* le Halmote.

STOCKPORT, c. 1260.

Line 1. *Before* prepositus *insert* aliquis.

3. *For* Laghemot *read* Le Portmonesmote.

MANCHESTER, 1301.

Line 1. *For* prepositus *read* prefectus.

3. *For* mea *read* predicto Domino.

4. *Add* et predictus dominus habeat placitum suum super eum in Portemanmote.

LEICESTER, 1277. E pur ceo ke vse fu ke le pleintif purreit fere trois defautes e ia le meins aler auaunt en sa querele, purueu est ke si le pleintif ne siwe mie sa querele al iors ke done li sunt, seit en la merci e ses plegges de siwre, si il les eit, e son aduersaire a mesme le ior passe sauns ior par sa defaute.

(And whereas it was customary that the plaintiff might make three defaults and nevertheless go on in his suit, it is provided that if the plaintiff does not follow up his plea on the days which are appointed for him, let him be in mercy and his pledges to sue, if he has any, and let his adversary go free that same day without a day by his default (*i.e.* let the case be adjourned sine die, that is, dismissed.)

(6) Miskenning, Good and Faulty Defence, Disabilities of Defence (Thwartnay)

(a) MISKENNING AND GOOD AND FAULTY DEFENCE

LONDON, 1227 (*d*)¹. In civitate in nullo placito sit miskenninga.

ROCHESTER, 1227.

LONDON, 1268. Et quod non occasionentur propter miskennyngam in suis loquelis, videlicet si non omnino bene narraverint.

(And that they be not made to suffer on account of miskenning in their suits, that is, if they have not pleaded exactly right.)

MELCOMBE [REGIS], 1280.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

BERWICK-ON-TWEED, 1302. Do.

Line 1. *After* quod *insert* predicti burgenses aut mercatores².

¹ See vol. 1, p. 147.

² This must not be interpreted as equating burgess and merchant; the previous clause (V A 12) refers to merchants (B.).

[BRISTOL, 1188¹. Et quod in nullo placito possit quis causari per miskenningam.

(And that in no plea shall any be challenged for miskenning.)]

BRISTOL, 1252.

Line 1. *After quod insert nullus burgensis.*

For nullo read ullo and for quis causari read occasionari.

WATERFORD, 1232. As Bristol, 1188.

CORK, 1242.

Line 1. *For in read de.*

LIMERICK, 1292.

[KILKENNY, 1202-10². Nullus burgensis trahatur in placitum per miskeninge.

(No burgess shall be drawn into any plea by faulty pleading.)]

CARLOW, 1223.

Add the Kilkenny addendum: Liceat omni burgensi placitare sine motacione³.

MOONE, 1223. Do.

NEW ROSS, c. 1279. Do.

Line 1. *For placitum read causam.*

ROSBERCON, 1289-95. As Carlow.

NEWPORT (Kemmes), c. 1241. Item, burgensis reitatus de feloniam vel latrocinio si dicit "ego defendo feloniam vel latrocinium et quicquid super me dicitur," bonam facit defensionem.

(Item, a burgess who is accused of felony or larceny, and says "I deny the felony or larceny and whatever is charged against me," makes a good defence.)

LEICESTER, 1277. *Swareles*⁴. E pur ceo ke vse auaunt ces oures, quant les parties deueient pleder e le pleintif auait dit sa querele, si le defendant taunt tost cum la parole ly fust issue de la buche ne deist Thwerthutnay, il fu tenu cum non defendu e ceo apelerent Swareles, ne ne li fu suffert de en parler ne de conseil demaunder ne nul hume ki suist les vsages pur li parler, dunt muz en furent perdaunz ke ne saueient les vsages, sur ceo est ore purueu ke quant les parties aperent e deyuient pleder, le pleintif die pleynement sa querele, saunz chalenge u hoket, par li meimis s'il sache, ou par altre ke seit auoé, si memes ne sache, issi ke par oubliance de tens ne par altre circumstance chalenge la querele ne seit abatue. Mes si le defendaunt demaunde declaracion de tens ou de altre chose ke necessaire seit a la plainte pur meuz estre acerté a respundre, seit la declaracion fete mesme lure saunz chalenge. Puis quant le pleintif auera querelé, le defendaunt eit resnable espace a respundre k'il ne seit suspris. E s'il se voile conseiller e enparler, le face par cunge e reuegne e die ceo ke il quide ke li puisse valer, tut saunz chalenge ne hoket, par li meimes, ou par altre ke seit auoé, s'il memis ne sache. E s'il quide ke son primer respuns ne suffise mie, die altre chose,

¹ Vol. 1, p. 147.

² Corr. Vol. 1, p. 148. Cf. B.C. 11, 2 (Thomastown).

³ "Without danger of formal objections."

⁴ See Addenda.

ou il se voile atrenk tenir e jugement prendre. E si par auenture quant le pleintif auera querelé, le defendant ne puisse dedire ceo ke il auera dit ver ly, ou ne voile respundre, puis k'il serra amoneste par le bailif, si il ne die resnable enchesun pur quei respundre ne deit, seit cum non defendu e cum Swareles cum fu auaunt vse.

(*The Undefended.* And whereas it was customary heretofore, when the parties ought to plead and the plaintiff had said his plaint, if the defendant, as soon as the plea had left his mouth, did not say Thwerthutnay, he was held to be non-defendant, and that was called Swarless, and he was not suffered to plead nor to ask counsel nor have any man who knew the usages to speak for him, whereby many lost their suits from not knowing the usages. Therefore it is now provided that when the parties appear and ought to plead, the plaintiff shall fully state his plaint without challenge or hindrance, by himself if he knows how, or if not by another who is avowed, so that the suit shall not be abated by non-statement of time or by other circumstance challenged. But if the defendant demands declaration of time, or other thing necessary to the plaint that he may be better certain of answering, the declaration shall be made at the same hour without challenge. Then when the plaintiff shall have pleaded, the defendant shall have reasonable time to answer so that he be not taken by surprise. And if he wishes to take counsel and plead, he shall do so by leave and come back again and say what he thinks will avail him, and all without challenge or hindrance, by himself if he knows, and if not, by another who is avowed. And if he thinks that his first answer will not suffice, let him say something else, to which he is willing to hold absolutely and upon which he will take judgement. And if perchance when the plaintiff has pleaded, the defendant cannot deny what he has said against him, or is unwilling to answer, then after he has been admonished by the bailiff, unless he gives reasonable excuse why he should not answer, let him be treated as non-defendant and as Swarless¹, as was the custom heretofore.

(b) DISABILITIES OF THE DEFENCE (THWARTNAY).

LEICESTER, 1277. *Twerthrounay. Gens només.* E pur ceo ke le defendaunt ne poeit a la plainte le pleintif autre chose respundre for tut granter ou tut dire Thwerthutnay, E quant il aueit dit le nay, deueit estre a sa ley sei sisme meyn, dunc son aduersaire, ou hom pur li, elireient gent que ne irreient od li pur fauur de l'autre partie ou pur haine de li, E si il ne poeit sa ley fere od tele gentz nomez, serreit ataint de tote la parole, fust ele verraie ou fause: Pur ceo est purueu, primes en plai de dette, si le defendaunt le dedie e le demaundant eit proue de sa dette par escrit, tailé ou par uiue uoix, seit rescu a la proue fere, issi ke, si il n'eit for taylé ou viue voix, iurge il primes e puis ses tesmoins ke il meine, e seyent examinez de oye e de veue les tesmoins, si eus furent a la dette prendre ou a la tailé fere, ou si eus furent la ou la dette ou la tailé fu granté, e solum ceo ke eus prouent, recouere sa dette ou perde. E seyent les tesmoins lele gents, ne mie suspecenus customers ne lowyz a faus sermenz aler. E si il nome tesmoins e eus pur fauur ou pur atie se sustreent de la uerite dire, soient destreint par le

¹ Quoted *B.C.* II, 5. Danish svar = answer.

baillif a uenir e dire lor uerité, e ausi cum est auaunt dit seyent examiné, ou si les parties par assentement se uoient mettre en enqueste de veisins ke seuent la uerité de ceste chose, soit lenqueste prise. E si le pleintif ne eit for sa simple voiz, seit le defendaunt a sa ley par taunz cum la curt agardera de bone gent e leaus, ne mie lowyz ne customers a faus sermenz aler. E s'il face sa ley al ior ke done li est, passe quit. E si il defaile, seit cum ataint de la parole. En mesme la manere en plai de trespas si le defendant die Thwerthutnay seit a sa ley e en mesme la manere la face. E ke nul desormes seit destreint a sa ley fere par gent nomez cum fu auaunt usé. E si le defendaunt en plai de trespas se voile mettre en enqueste de son fet, seit l'enqueste prise par gent convenables hors pris ses nusurs. E si ior del enqueste seit doné e le defendant ne vegne, seit destreint de estre a l'autre curt. E si a cele curt ne vegne, seit lenqueste prise par sa defaute e iugement rendu e execucion fete¹.

(*Thwart-nay. Folks named.* And whereas it was heretofore the custom that the defendant could not answer any other thing to the plaintiff's plea except to admit everything or to say fully a thwart-nay, and when he had said the Nay, he had to be at his law, himself the sixth hand (*i.e.* to find five compurgators), then the plaintiff or a man for him would choose folk that would not go with him for favour of the other party or for hatred of him, and if he (the defendant) could not make his law with such folks named, he would be attainted of the whole plea, whether it were true or false: Therefore it is provided, first that in plea of debt, if the defendant denies it and the demandant has proof of his debt by writing or tally or word of mouth, let him be received to make the proof, so that if he has nothing but tally or word of mouth, let him swear first, and then the witnesses whom he brings, and let the witnesses be examined of hearing and of sight, if they were at the taking of the debt or the making of the tally, or if they were at the place where the debt or the tally was confessed, and according to what they prove, let him recover or lose his debt. And let the witnesses be lawful folk, nowise suspected of being accustomed nor hired to go to false oaths. And if he name witnesses and they by favour or by malice withdraw themselves from saying the truth, let them be distrained by the bailiff to come and say their truth, and also let them be examined as aforesaid; or if the parties by consent wish to put themselves upon an inquest of their neighbours, who know the truth of the matter, let the inquest be taken. And if the plaintiff has nothing but his simple voice, let the defendant be at his law by so many as the Court shall award of good and lawful folk, no way hired or accustomed to go to false oaths. And if he makes his law on the day which is given him, let him go quit. And if he fail, let him be as one attainted of the plea. Similarly, in plea of trespass, if the defendant says the Thwart-nay, let him be at his law, and make it in the same way. And let no one henceforth be distrained to make his law by folk named, as was formerly accustomed. And if the defendant in plea of trespass wishes to put himself on an inquest as to his deed, let the inquest be taken by suitable folk, his enemies excepted. And if a day for the inquest is given, and the defendant does not come, let him be distrained to be at the next court. And if he does not come to that court, let the inquest be taken by default and let judgement be given, and execution done.

¹ Quoted *B.C.* I, 163.

(8)¹ Attachment and Imprisonment²

SALFORD, c. 1230. Si aliquis burgensis vel alius appellat aliquem burgensem de latrocinio, prefectus attachiat eum ad respondendum et stare iudicio in Portemanmot, salvo iure meo.

(If any burgess or any other accuse any burgess of larceny, the prefect shall attach him to answer and stand his trial in the Portmanmoot, saving my rights.)

BOLTON, 1253.

Line 1. *For appellat read implacitaverit.*

2. *For latrocinio read suspicione latrocinii.*

For prefectus read prepositus.

3. *Before iudicio insert in.*

STOCKPORT, c. 1260.

Line 2. *For prefectus read prepositus.*

3. *After stare insert inde.*

MANCHESTER, 1301.

Line 1. *Omit burgensis vel alius.*

For appellat read vocat.

3. *For Portemanmot read Curia Domini.*

Omit salvo iure meo.

MANCHESTER, 1301. Si aliquis alium vulneraverit in burgo, prepositus debet attachiare eum, si inventus fuerit extra domum suam³, per vadum et plegios.

(If any wound another in the borough, the reeve ought to attach him by bail and sureties, if he is found outside his house.)

GREAT YARMOUTH, 1272. Purvou est ke si nul seit en cuntre wage et plege e attacher ne se voilleye, sun corps seit pris et mene a la prisun dek il eyt furni ce ke a dreiture appent⁴.

(It is provided that if any resist gage and pledge and will not be attached, his body shall be taken and brought to the prison till he shall do what pertaineth to right.)

GREAT YARMOUTH, 1272. Derechef, purvou est ke si nul veyt arme, sun cors seit pris et mene a la prisun et iloc seit des armes despuille, et de iloc replevi ciketaunt ke les amendes seyint fet de ce ke il a armes porte en tens de pes cuntre le defens le rey.

(Moreover, it is provided that if any man goes armed, his body shall be taken and brought to the prison, and he shall be there despoiled of his arms, and shall be replevied thence as soon as his amends are made for that he has borne arms in time of peace contrary to the prohibition of the king.)

GREAT YARMOUTH, 1272. Derechef, purvou est ke si nul seit si malement naufre u batu par unt ke il seit desesperé de sa vie, le cors

¹ Subsection 7 in vol. 1—Entry of Judgement—is not represented in this.

² See also IV A 3 (Wigan) and IV B 5 (a).

³ For immunity in the house see IV A 1.

⁴ Quoted *B.C.* I, 102.

del autre seyt pris et mis en la prisun dek om sache si le blescé deit vivere u nuy, et si il murge, ke felun demorge en prisun dek avenue des justices, et ke il eit sun jugement.

(Moreover, it is provided that if any be so badly wounded or beaten by any that his life is despaired of, the body of the other shall be taken and put in prison till it is known whether the wounded man will live or no, and if he die, the felon shall remain in prison till the arrival of the justices, and then he shall have his judgment.)

GREAT YARMOUTH, 1272. Derechef, purvou est ke si nul naufre autre de arme molu u de autre chose u vilement le bate, ke il ne seit mene a la prisun et de iloc replevi a ester a dreiture au jur certeyn assigné par le bailif de la vile, et fere ce ke appent a dreiture pur toumanere de trespas surlum le ordre de dreit.

(Moreover, it is provided that if any man wound another with sharpened weapon or other thing or grievously beat him, he shall be led to the prison and thence replevied to stand his trial at a certain day assigned to him by the bailiff of the town, and to do what pertains to right for all manner of trespass according to the order of right.)

GREAT YARMOUTH, 1272. Derechef, purvou est ke si nul seit customer aler wakeraunt par nuytauntre par la vile pur male fere, son cors seit pris et mis a la prisun dek il eyt truvé saufs pleges de la pes garder et meintener et le trespas amender.

(Moreover, it is provided that if any is accustomed to go wandering by night through the town to do evil, his body shall be taken and put in prison till he has found sureties for his keeping and maintaining of the peace and amending his fault.)

CONGLETON, 1272-c. 1274. Et quod ballivi ejusdem ville si aliquem felonem ceperint, eum tenebunt, si velint, in cippis per tres dies, et postea reddent eum ad castrum nostrum de Halton cum catallis secum inventis, salva eis le peelf' que pertinet¹ serjancie.

(And that if the bailiffs of the said town take any felon², they shall, if they will, keep him in the stocks for three days, and afterwards they shall deliver him at our castle of Halton with the chattels found on him saving to them the fee pertaining to the sergeancy.)

LEICESTER, 1277. Bateries. Homesokene de fouz. E pur ceo ke fous funt barez en la vile, bateries, homsokene, e sunt bauz a ceo fere pur ceo ke eus ne vnt ren par vnt estre justizés, si le trespas seyent encuntre la pes, seent justizés par lor cors a ester a dreit. E si eus ne se amendent e seyent customers a tels ultrages fere, seient fet voyder la vile³.

¹ "Pertinent" in Plea R. 15-16 Hen. VIII.

² Yates here inserts "the felony being known, they may lawfully behead him, and the felony being unknown" (*Hist. of Congleton*, p. 109). These words were omitted in the exemplification of this charter granted by Henry VIII in 1518 (*ib.* p. 110); evidently Ormerod's version is derived from this exemplification (B.). Not however directly (T.).

³ Quoted *B.C.* 1, 83.

(*Batteries. Burglary by crowds.* And whereas crowds make riots in the town, batteries [and] burglaries, and are bold to do this because they have nothing by which to be brought to justice, if the trespasses are against the peace, let them have justice done upon them in their bodies, to stand to right. And if they do not amend and are accustomed to do such outrages, let them be banished from the town.)

WELSHPOOL, 1241-c. 1286. Quod possint omnes latrones, homicidas et malefactores in dicto burgo inventos attachiare et in prisona sua imprisonare et prescriptos judicare.

(That they may arrest all robbers, homicides and malefactors found in the said borough and imprison them in their own prison and judge them.)

LLANFYLLIN, after 1286.

WELSHPOOL, 1241-c. 1286. Et ne aliquis ballivus noster in dictis burgensibus meis et eorum heredibus contra libertates et consuetudines legis Britannie¹ manum imposuerit, quas eisdem burgensibus et eorum heredibus quiete concessi.

(And that no bailiff of mine shall lay hands on the said burgesses and their heirs contrary to the liberties and customs of the law of Britain (? Breteuil) which I have granted to the same burgesses and their heirs.)

LLANFYLLIN, after 1286.

DENBIGH, 1282-90. Et qils eyent les attachementz de lour burgeis dedenz la ville ensemblement od la garde de la prison dedenz la ville, sauve a nous et a noz heirs les pledz, les amerciementz, les rauncouns, et le Juyse et totes les choses qa Juyse apendent.

(And that they shall have the attachments of their burgesses within the town, and likewise the guard of the prison within the town, saving to us and our heirs the pleas, the amercements, the ransoms, and the judgement (*judicium*) and all the things which pertain thereto².)

CHESTERFIELD, 1294. Et si aliquis captus fuerit pro suspicione latrocinii vel pro latrocinio per ballivos meos seu heredum meorum sine assensu burgensium, tunc de custibus et in periculo ballivorum et non mei seu heredum meorum salvo custodiatur donec debito modo deliberetur vel ad gayolam domini regis mittetur, et si per concessum ballivorum et burgensium capiantur, tunc de custibus burgensium et in periculo eorundem custodiantur in prisona mea et heredum meorum donec deliberentur, ut prius dictum est, et deducuntur ad gayolam domini regis de custibus burgensium, et burgenses nihil dabunt pro allocacione prisone mee vel ferrorum meorum.

(And if any one is taken for suspicion of larceny or for larceny by my bailiffs or those of my heirs without the consent of the burgesses then, at the costs and at the risk of the bailiffs and not of myself and my heirs, he shall be kept safe until he is delivered in the wonted manner or is sent to the gaol of our lord the king; and if they are taken by the agreement of the bailiffs

¹ *E.H.R.* xv, 318.

² *I.e.* the pillory and the ducking stool.

and burgesses, then at the costs and risk of the burgesses they shall be kept in my prison and in that of my heirs until they are delivered, as aforesaid, and they shall be taken to the gaol of our lord the king at the costs of the burgesses, and the burgesses shall pay me nothing for the hire of my prison or of my fetters.)

(9) Presidents of Borough Courts

(a) MAYOR AND JURATI¹

LEICESTER, 1277. Comaunde est ausi ke le meyre e tuz les iurez ke en vile sunt, si eus ne eyent resnable desturber, seient al plez e a dreiture fere e iugement rendre.

(It is also commanded that the mayor and all the jurats who are in the town, unless they have reasonable hindrance, shall be present at the pleas to do right and to give judgement.)

(b) THE LORD'S STEWARD OR BAILIFF

SALFORD, c. 1230. Omnia predicta placita erunt determinata coram ballivis domini comitis per visum burgensium.

(All the aforesaid pleas shall be determined in the presence of the bailiffs of our lord the earl by the view of the burgesses.)

BOLTON, 1253.

Line 1. *After placita read* que ad burgum pertinent.

2. *For domini comitis read* nostris.

STOCKPORT, c. 1260.

Line 2. *Omit* coram...domini.

Add et mei ballivi.

MANCHESTER, 1301.

Line 2. *Omit* ballivis...end and *read* seneschallo per rotulacionem clerici predicti domini.

WEYMOUTH, 1252. Et quod seneschallus noster, vel alius ballivus ex parte nostra assignatus, in eadem villa burgemota teneant ad facienda omnibus jura, et commoda nostra ad nos et successores nostros et ad ecclesiam nostram Wyntonie spectantia fideliter custodienda et in omnibus observanda, una cum ballivis nostris dicti burgi, secundum dictarum villarum de Suthampton et de Portesmue approbatas consuetudines.

(And that our steward, or other bailiff appointed on our part, shall hold the burgemoots in the same town for doing justice to all, and for faithfully keeping our profits relating to us and our successors and our church of Winchester and observing them in all things, along with our bailiffs of the said borough, according to the approved customs of the said towns of Southampton and Portsmouth.)

ALTRINCHAM, c. 1290. Et nullum placitum in dicto burgo teneatur nec determinetur nisi coram me vel ballivo meo.

(And that no plea be held or determined in the said borough except before me or my bailiff.)

¹ Mayor and bailiffs in other cases, e.g. York (IV A 4, sub 1256).

(10) Withdrawal of Appeal

MANCHESTER, 1301. Si aliquis faciat clamorem de aliqua re et non invenerit vadium et plegios et postea velit dimittere clamorem, sine forisfactura erit¹.

(If any prefer a claim and does not give bond and sureties (to prosecute it) and afterwards wishes to withdraw his claim, he shall not incur a forfeiture.)

(11) Attornies and Counsel²

LONDON, 1268. Ita tamen quod tam forinseci quam alii attornatos facere possint tam agendo quam defendendo sicut alibi in curia nostra.

(Provided, nevertheless, that both foreigners and others may appoint attornies, both for suing and defending, as elsewhere in our court.)

⁷⁴*ELCOMBE* [REGIS], 1280.

LYME [REGIS], 1285.

NOVA VILLA, 1286.

LEICESTER, 1277. *Ples de atornez*. E pur ceo ke aturnez ne soleyent estre pris fors en curt e en presence des parties e ce pur le pleintif sulement, dunt muls de gent enperdirent (*sic*) lor altres bosoignes ou lor paroles, est purueu ke l'une partie ou l'autre ke voile puisse aturné fere, e ceo ausi bien en absence de son aduersaire cum en sa presence. E ke l'atorné seït rescu en son liu a fere taunt cum il meismes freit, fors sul a la lei fere, ceo est asauer en paroles ke par aturné puissent estre pledé, e ce deuant deus iurés ke l'atorné puissent temoiner si mester seït³.

(*Pleas of attornies*. And whereas attornies have not been wont to be taken except in court and in the presence of the parties and that for the plaintiff only, by which many people have lost their other business or their pleas, it is provided that the one party or the other, so wishing, may make attorney and this as well in the absence of his adversary as in his presence: and that the attorney be received in his place to do as he himself would do, except only in making oath, that is to say, in the pleas which may be pleaded by attorney; and that before two jurats who may bear witness to the attorney if need be.)

LEICESTER, 1277. Ne nul iuré ne baillif ke dreiture deit fere ou iugement rendre, seït meintenor de parole ne cuntor, si ceo ne seït pur sei mesmes ou ses aliez. E dunk ne sese il mie al iugement.

(And let no jurat or bailiff who ought to do right or give judgement be a maintainer of pleas or an advocate, unless it be for himself or his allies, and then let him not sit at the judgement.)

¹ Quoted *B.C.* 1, 86.

² See also IV c 6 (a), *Leicester (Swareles)*.

³ Quoted *B.C.* 11, 10.

(12) Limitation of Adjournments

SWANSEA, 1306. Preterea volumus et concedimus quod loquele in hundredis nostris de Sweyn' non continuentur nec protelentur de hundredo in hundredum sine assensu parcium aut ob defectum iudicii dilati, ita quod iudicia primo die formentur si dicti hundredi sectatores reddere nouerint, sin autem in secundo vel tercio quartoque promulgentur, si fieri potest, et si tunc reddere nescierint, quinto et ultimo sine prorogacione aliqua reddantur.

(Moreover, we will and grant that cases in our hundreds of Swansea be not continued or protracted from hundred to hundred without the assent of the parties or on account of delay in judgement, so that judgements shall be made on the first day if the suitors of the said hundred are able to render them, but if not on the second or third day and promulgated on the fourth, if possible, and if they are unable then to render them, on the fifth and last day they shall be rendered without adjournment.)

(13) Enrolment of Recognizances of Debts
in the Exchequer

LONDON, 1268. Debita, insuper, que ex suis contractibus vel mutuis eis debebuntur, ad eorum securitatem in nostro scaccario, ad recognitionem eorum qui sibi in dictis debitis tenebuntur, faciant irrotulari; Ita tamen quod nullum debitum irrotuletur per recognitionem alicujus qui non sit ibi notus, vel nisi constet de sua persona per testimonium sex vel quatuor legalium hominum qui sint sufficientes ad respondendum tam de debito quam de dampno quod habuerint aliqui per hujusmodi recognitionem, si eam falso fieri contingat sub nomine ipsorum. Et pro libra qualibet in dicto scaccario irrotulanda, denarius unus solvatur ad opus nostrum pro onere sustentationis eorum quos hujusmodi irrotulationem intendere oportebit.

(Their debts, moreover, which are owed to them on their contracts or loans, let them cause to be enrolled in our exchequer for their security, on the acknowledgement of their debtors. Provided that no debt shall be enrolled on the acknowledgement of any person who is not known there, or unless his identity is proved by the testimony of six or four lawful men who are sufficient to answer both for the debt and the damage which any person may suffer by this acknowledgement, if it be falsely made under their names. And for each pound to be enrolled in the said exchequer, one penny shall be paid to our use for the support of those whose duty it is to superintend enrolments of this kind.)

MELCOMBE [REGIS], 1280.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

IV. JURISDICTIONAL PRIVILEGES

D. PUNISHMENTS

(1) Freedom from Murder Fine, etc.

LONDON, 1227 (*d*)¹. *Concessi etiam eis quietanciam murdri infra urbem et Portsoca.*

(I have also granted them quittance of the murder-fine within the city and portsoke.)

LONDON, 1268.

MELCOMBE [REGIS], 1280. As London, 1268.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

BERWICK-ON-TWEED, 1302.

Line 2. *For urbem et Portsoca read predictum burgum.*

ROCHESTER, 1227. As London.

BRISTOL, 1252². *Quod sint quieti de murdro infra metas villae.*

(That they be quit of the murder-fine within the bounds of the town.)

DROGHEDA (Louth), 1229. *After villae add suae.*

DROGHEDA (Meath), 1247. As Drogheda (Louth).

WATERFORD, 1232. *For villae read ejusdem civitatis.*

CORK, 1242. As Waterford.

LIMERICK, 1292. Do.

[*KILKENNY*, 1202–10³. *Nullum autem homicidium infra metas villae factum in murdrum reputetur.*

(No homicide within the bounds of the town shall be considered as murder.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289–95.

(2) Freedom from Arbitrary Amercement

LONDON, 1227 (*d*)⁴. *Nullus de misericordia pecuniae judicetur nisi secundum legem civitatis quam habuerunt tempore Henrici regis avi nostri.*

(None shall be judged of a money amercement except according to the law of the city, which they had in the time of king Henry my grandfather.)

ROCHESTER, 1227.

[*BRISTOL*, 1188⁵. *Nullus judicetur de misericordia pecuniae nisi secundum legem hundredi, scilicet per forisfacturam quadraginta solidorum.*

¹ See vol. I, p. 150.

³ Vol. I, p. 151.

² See Bristol, 1188, vol. I, p. 150.

⁴ See vol. I, p. 151.

⁵ Vol. I, p. 152.

(None shall be judged of an amercement of money except according to the law of the hundred, that is to say, by a forfeiture of forty shillings.)]

BRISTOL, 1252. *For* iudicetur...pecuniae *read* amercietur ad poenam pecuniarum. *For* per...quadraginta *read* ad summam viginti.

WATERFORD, 1232. *Add* (as Dublin, 1200) unde is qui in misericordia inciderit quietus erit de medietate, et aliam medietatem dabit in misericordiam, exceptis tribus misericordiis, scilicet de pane et cervisia et vigilia, quae misericordiae sunt de duobus solidis et sex denariis, unde medietas condonabitur, et alia medietas reddetur in misericordiam.

(Of which he who has fallen into the amercement shall be quit of one moiety, but shall pay the other moiety as an amercement, excepting three amercements, that is, for bread, beer and watch, which amercements are two shillings and six pence, of which one moiety shall be pardoned, and the other moiety shall be paid as an amercement.)

CORK, 1242. As Dublin, 1200.

LIMERICK, 1292. *Do*.

Line 3. *For* de pane...vigilia *read* de assisa panis et servicie (*sic*) fracte et de vigiliis.

[WINCHESTER, 1190¹. Nullus de misericordia pecuniae iudicetur nisi secundum antiquam legem civitatis quam habuerunt tempore antecessorum nostrorum.

(None shall be judged of an amercement of money except according to the ancient law of the city which they had in the time of our ancestors.)]

WARENMOUTH, 1247.

Line 2. *For* civitatis *read* predictae civitatis Wintoniensis.

DROGHEDA (Louth), 1229.

Line 1. *After* iudicetur *add* in eodem hundredo.

2. *For* legem...end *read* consuetudinem suam, videlicet pro misericordia duodecim denariorum.

DROGHEDA (Meath), 1247. As Drogheda (Louth).

GLOUCESTER, 1256. Et si contingat eosdem burgenses amerciari pro aliquo delicto coram nobis vel quibuscunque justitiariis seu ministris nostris, non amercientur nisi secundum formam² magne carte nostre de libertatibus regno nostro Anglie concessis.

(And if it shall happen that the said burgesses shall be amerced for any wrong before us or any of our justices or ministers, they shall not be amerced except according to the form of our great charter of liberties granted to our kingdom of England.)

(3) Limitation of Amercements

[KILKENNY, 1202-10³. Item, nullus burgensis mittatur in misericordiam pecuniae nisi per considerationem hundredi, et illa misericordia, etiam in maioribus placitis, decem solidos non excedat, quorum medietas condonabitur, et alia medietas in misericordia reddetur.

¹ Vol. 1, p. 152.

² Magna Carta (1215), c. 20.

³ Vol. 1, p. 155.

In minoribus autem placitis, ut sunt de pane et cervisia et vigilia et hujusmodi, misericordia duos solidos non excedat, quorum medietas similiter condonabitur, et alia medietas in misericordia reddetur.

Si autem aliquis pro pane vel cervisia vel alio simili forisfacto in misericordia inciderit, prima vice duos solidos misericordia non excedat, quorum medietas, sicut ut predictum est, condonabitur et alia medietas in misericordia reddetur.

Quod si secundo in idem forisfactum ceciderit, duos solidos pacabit; si autem tertio in idem inciderit, iudicium sustinebit vel dimidiam marcam pacabit.

(No burgess shall be fined except by the consideration of the hundred, and that fine¹, even in the greater pleas, shall not exceed ten shillings, of which one moiety shall be pardoned, and the other moiety be paid as fine.

In lesser pleas, however, such as pleas of bread, beer and watch, and pleas of this kind, the fine shall not exceed two shillings, of which one moiety, etc. (as in first clause).

Moreover, if any burgess incur a penalty for bread or beer, or any other like forfeiture, the first time the fine shall not exceed two shillings, of which a moiety, as aforesaid, etc.

But if he incur the same forfeiture a second time, he shall pay two shillings; if a third time, he shall suffer the judgement or pay half a mark.])

CARLOW, 1223.

Lines 3, 6, 9. *For excedat read excedet.*

Line 6. *For hujusmodi read alio simili forisfacto.*

8. *For alio simili forisfacto read hujusmodi.*

MOONE, 1223.

NEW ROSS, c. 1279.

Lines 6, 9. *For excedat read excedet.*

9, 13. *For inciderit read ceciderit.*

12, 14. *For pacabit read pagabit.*

14. *Add hundredo at end.*

ROSBERCON, 1289-95.

Line 7. *Omit similiter.*

PENRYN, 1236. Et si in misericordiam nostram vel successorum nostrorum per iudicium curie rationabiliter inciderint, dabunt nobis vel successoribus nostris sex denarios de emenda pro qualibet misericordia, nisi forte, quod absit, in nos vel in aliquem ballivorum nostrorum ausu temerario manus injecerint violentas².

(And if they reasonably incur an amercement to us or our successors by judgement of the court, they shall pay us or our successors sixpence as amends for every amercement, unless perchance, which God forbid, they rashly lay violent hands on us or any of our bailiffs.)

SALTASH, before 1246. Et si quis de predictis burgensibus meis in emendam meam inciderit, per sex denarios illud emendabit ad plus.

(And if any of my aforesaid burgesses incur a fine to me, he shall make amends in six pence at the most.)

¹ See Addenda.

² Cf. Dunster and Chesterfield below and IV D 9.

CHIPPING CAMPDEN, 1247. (Letters patent of Henry III confirming.) Concessionem quam Ranulfus quondam comes Cestrie¹ fecit eisdem burgensibus...quod si aliquis liberorum burgensium suorum de Campden inciderit in misericordiam suam, quietus sit pro duodecim denariis, nisi fecerit sanguinem aut feloniam.

(The grant which Ranulf, formerly earl of Chester, made to the same burgesses...that if any of his burgesses of Campden incurred a forfeiture to him, he should be quit for twelve pence, unless he committed bloodshed or felony.)

GAINSBOROUGH, before 1250. I have alsoe graunted to the same burgesses that of all plaints in my court moved to me belonginge, where there shall be noe blood shed, if the amersment shall be made before judgement, it shall be but a *vid.*, if it be made after judgement it shall be a *xiid.*; and if they presume in anything against my seruant, they shall make as great an amends therefore as if it were agaynst myselfe. But if any be convicte by witnesses that by depravinge his neighbour he hath called hym thiefe, he shall be punished to me a *xiid.* for the same.

WEYMOUTH, 1252². Et si forte quemcunque burgensium nostrorum dicte ville pro quocunque alio forisfacto coram nobis vel ballivis nostris amerciari contigerit, per sacramentum quattuor legalium burgensium dicte ville in qualibet curia tenta per annum per suos pares eligendorum dictum estimetur amerciamentum, et hoc rationabiliter secundum delicti quantitatem et delinquentis facultatem.

(And if by chance it shall happen that any of our burgesses of the said town shall be amerced for any other offence before us or our bailiffs, by the oath of four lawful burgesses of the said town to be elected by their peers in any court held during the year, the said fine shall be assessed, and that reasonably, according to the nature of the offence, and the means of the offender.)

CARMARTHEN, 1254-7. Et quod omnes transgressiones infra liberum burgum suum facte per eorundem burgensium consideracionem emendentur, sicut hactenus consuevit.

(And that all trespasses done within their free borough shall be amended (*i.e.* shall be amerced) by the assessment of the same burgesses, as has hitherto been the custom.)

LAUGHARNE, 1278-82.

Line 2. *For liberum burgum suum read villam suam.*

3. *After sicut insert in burgo Kaermardyn.*

CARDIGAN, 1284.

Line 3. *For hactenus read prius.*

HAVERFORDWEST, 1291. As Cardigan.

¹ Probably Ranulf de Blundeville (1181-1232).

² See also p. 222.

READING, 1254. (Fine.) Et si contingat quod aliquis predictorum burgensium de gilda mercanda pro aliquo delicto in misericordiam inciderit, secundum quantitatem delicti et ejus facultatem amercietur.

(And if it happens that any burgess of the merchant guild shall incur an amercement for any offence, he shall be amerced according to the extent of his offence and his own means.)

DUNSTER, 1254-7. Et si ceciderint in misericordiam pro aliquo delicto, ut sint quieti pro sex denariis, excepta manuum injectione in dominum aut dominam vel aliquem de familia castri.

(And if they fall into any amercement, they shall be quit for 6*d.*, except for assault on the lord or the lady or anyone of the household of the castle.)

MACCLESFIELD, 1261. Et si aliquis eorum in misericordiam nostram inciderit pro aliquo forisfacto, non det nisi duodecim denarios ante iudicium, et post iudicium, rationabilem misericordiam secundum quantitatem delicti, nisi forisfactum illud pertineat ad gladium nostrum.

(And if any of them incur an amercement for any forfeiture, he shall pay only twelve pence before judgement, and after judgement, a reasonable amercement according to the extent of the offence, unless that forfeiture pertain to our sword.)

KNUTSFORD, c. 1292.

Line 1. *For* si aliquis eorum *read* quicumque dictorum burgensium.

2. *Omit* nostram.

4. *Omit* nostrum¹.

For illud *read* id.

WARTON, 1246-71. Quod forisfactura lingue (MS. ligne; corrected from the Ulverston charter) sit eis in quatuor denariis. Et aliter, forisfacture secundum consuetudinem vicinorum burgorum.

(That the forfeiture for abusive language be four pence. And otherwise, that forfeitures be according to the custom of neighbouring boroughs.)

BRECON, 1277-82. Quod si predicti burgenses nostri aliquod falsum iudicium fecerint vel aliquas alias transgressiones, exceptis quatuor articulis prenomatis², non amercientur ultra decem libras, Salvo statu burgensium predictorum in omnibus libertatibus suis predictis.

(That if the aforesaid burgesses make any false judgement or any other trespasses, except the four offences beforenamed, they shall not be fined more than £10, Saving the estate of the aforesaid burgesses in all their liberties aforesaid.)

¹ William de Tabley naturally omitted this word, because the "pleas of the sword" pertained to the Earl of Chester. The Congleton charter omits the words after "delicti altogether (see below).

² Felonies (IV A 5).

CONGLETON, 1272-c. 1274. Et si aliquis eorum in misericordia¹ nostra inciderit ante iudicium per defaultam, non excedat xii denarios; et post iudicium rationabilem misericordiam¹ secundum quantitatem delicti.

(And that if any of them incur an amercement before judgement by default, twelve pence shall not be exceeded; and, after judgement, a reasonable amercement according to the extent of the offence.)

LEICESTER, 1277. E si hom seit amercie seit le amerciement taxe mesme le ior ou lendemein, e ceo par iurez solum ces chateus e son trespass e ne mie a volute de baillif.

(And if a man be amerced let the amercement be assessed the same day or the morrow, and that by sworn men, according to his chattels and his trespass, and not at the will of the bailiff.)

BAKEWELL, 1286. Quod cum legitime ad curiam meam summoniti et iudicialiter conuicti fuerint pro aliqua defaulta vel transgressione secundum modum inter eosdem usitatum amerciandi, quilibet eorum ob aliquam causam amerciandus amercietur ad tres denarios tantum singulis vicibus, preterquam in transgressione effusionis sanguinis violente. In quo casu ad querelam lesi super huiusmodi transgressione factam et debita prosecutione (*sic*) super eodem delicto in forma iuris conuictus amerciabitur ad quinque solidos et quatuor denarios, satisfaciendo leso de dampno sibi illato.

(That when they are lawfully summoned to my court and judicially convicted of any default or trespass, in accordance with the mode of amercing in use among them, any of them who is to be amerced for any reason shall be amerced at three pence only each time, save in the trespass of bloodshed with violence. In which case, on the plaint of the injured person that such trespass has been done, the person duly prosecuted and convicted in form of law of that offence shall be amerced five shillings and four pence², and compensate the injured man for the damage inflicted on him.)

ALTRINCHAM, c. 1290. Et si aliquis eorum in misericordia pro aliquo forisfacto incidit, amercietur per pares suos, et hoc secundum quantitatem delicti.

(And if any of them incur an amercement for any forfeiture, he shall be amerced by his peers, and this according to the extent of the offence.)

NEWPORT (Isle of Wight), 1262-93. Et amerciamentum inde³ proveniens per ipsos amercietur et taxetur.

Quod nullus eorum, cum amerciari debeat de amerciamento quod ad me pertinet, ad plus quam ad triginta denarios amercietur, et hoc iudicio et consideratione ipsorum burgensium.

¹ Ormerod (III, 36) has "meremia"!

² The antiquity of the rule is revealed by the fact that this sum was half the old small mark of 10s. 8d.

³ See IV c 2.

(And the fine thence arising shall be assessed and taxed by themselves.

That none of them, when he ought to be amerced for a fine which belongs to me, shall be amerced at more than thirty pence: and this by the judgement and consideration of the burgesses.)

CHESTERFIELD, 1294. Et nullus qui habet libertates vel sit burgensis non amercietur ad plus vel altius nulla de causa nisi ad tres denarios, hiis tantum exceptis, braciatoribus bis per annum si se adquietare non possunt quod non vendiderunt contra assisam domini regis, et pistoribus si furniaverint et vendiderint panem contra assisam domini regis, et eciam hiis qui effuderint sanguinem et super hoc convicti fuerint per querellam et non aliter, et eciam hiis qui despectum fecerint mihi et heredibus meis vel assignatis seu ballivis nostris, si convicti fuerint. Et si aliquis burgensium de istarum aliqua quattuor rerum convictus fuerit, secundum quantitatem delicti per pares suos amercietur.

(And no person who has the liberties or is a burgess shall be amerced for any cause, at more or higher than three pence, save these only, brewers, if twice a year they cannot prove that they have not sold contrary to the assize of our lord the king, and bakers if they have baked and sold contrary to the assize of our lord the king, and also those who have shed blood and have been convicted of this by plaint and not otherwise, and also those who have been guilty of contempt to me and my heirs or assigns or to our bailiffs, if they are convicted. And if any one of the burgesses is convicted of any of these four offences, he shall be amerced by his peers according to the nature of the offence.)

SHEFFIELD, 1297. Et si ita contingat quod dicti tenentes mei vel aliquis eorum super transgressione aliqua in dicta curia mea sint amerciandi, volo et concedo pro me et heredibus meis quod amerciantur per pares suos, et hoc secundum quantitatem delicti.

(And if it should happen that my said tenants, or any of them, are to be amerced for any trespass in my said court, I will and grant for myself and my heirs that they be amerced by their peers and according to the measure of the offence.)

MANCHESTER, 1301. Si aliquis burgensis in burgo aliquem burgensem vulneraverit in die Dominica vel a nona die Sabbati usque ad diem Lune ipse erit in forisfactura viginti solidorum: et si in die Lune vel in aliis diebus septimane vulneraverit aliquem ipse cadet in forisfactura duodecim denariorum versus predictum dominum¹.

(If any burgess wound another burgess in the borough on Sunday, or between noon on Saturday and Monday, he shall incur a forfeiture of twenty shillings: and if on Monday or the other days of the week he wound anyone, he shall incur a forfeiture of twelve pence towards the said lord.)

SWANSEA, 1306. Neque amerciammentum nisi per iudicium et discrecionem parium suorum.

(Nor (shall there be) an amercement except by the judgement and discretion of their peers.)

¹ See also IV A 1.

(4) Assize of Bread and Beer¹

[KILKENNY, 1202-10². Volo etiam quod nulla assisa victualium fiat in burgo nisi per communem burgensium et ballivorum meorum considerationem.

(I will that no assize of victuals be made in the borough except by the common consideration of the burgesses and of my bailiffs.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

Line 2. *Omit et ballivorum meorum.*

ROSBERCON, 1289-95.

SALFORD, c. 1230. Quicunque fregerit assisam sive de pane sive de cervisia remanebit in forisfactura de duodecim denariis tribus vicibus, et ad quartam vicem faciet assisam ville³.

(Whoever break the assize, whether of bread or of beer shall incur a forfeiture of twelve pence for three offences, and for the fourth shall suffer the penalty of the town.)

BOLTON, 1253.

Line 2. *After forisfactura read nostra.*

3. *Add pertinentem ad tale delictum secundum consuetudinem aliorum burgorum.*

STOCKPORT, c. 1260.

Line 1. *After assisam insert ville.*

2. *After forisfactura insert mea.*

3. *After quartam read in forisfactura.*

For faciet read servare.

MANCHESTER, 1301.

Line 1. *For Quicunque fregerit read Qui fregit.*

2. *For remanebit read ipse erit.*

For de duodecim denariis read duodecim denariorum.

For tribus...end read ad opus domini.

FARNHAM, 1247. Item, habere debent assisam panis et cervisie, ita quod panem capere debent ad domum pistoris et ponderare et probare, et cervisiam tastare in burgo et in villa et per unam leucam in gyro, et emendas habere debent tam panis quam cervisie, nisi pistor ad pilloriam vel brasiator ad tumbrellum debent condemnari, quod ad nos reservavimus.

(Item, they ought to have the assize of bread and beer, so that they ought to take bread at the baker's house, and weigh it and test it, and taste beer in the borough and in the vill and for a league round, and they ought to have the amercements both for bread and beer, unless the baker should be condemned to the pillory or the brewer to the tumbrel, which punishments we reserve for ourselves.)

¹ See also V A 8 and VI 2 (Launceston, 1274); also V B 1 (Welshpool).

² Vol. I, p. 159.

³ Professor Tait suggests that this last phrase represents the pillory or the ducking stool (*Medieval Manchester*, p. 90).

OXFORD UNIVERSITY, 1248. Et quod quotienscunque debeat fieri temptacio panis et cervisie ab eisdem burgensibus, precedente die denuntietur cancellario et procuratoribus universitatis predicte, ut per se vel per aliquos ad hoc deputatos per ipsos, si voluerint, intersint temptacioni predicte, alioquin, non valeat ipsa temptacio. Si vero dicti cancellarius et procuratores universitatis predicte per se vel per suos interesse noluerint, ad predictam temptacionem nihilominus procedatur.

(And that as often as the examination of bread and beer ought to be made by the said burgesses, on the preceding day, notice shall be given to the chancellor and proctors of the aforesaid university, so that in person or by some persons deputed for this purpose by themselves, they may, if they wish, be present at the examination aforesaid: otherwise the examination shall not be valid. But if the chancellor and proctors of the university aforesaid shall not wish to be present at the examination either in person or by their own men, the examination shall nevertheless proceed.)

OXFORD UNIVERSITY, 1255. Pistores et braciatores Oxonie in primo transgressu suo non puniantur, sed in secundo amittant panem, et in tercio transgressu habeant iudicium de pillorio. Temptacio panis fiat bis in anno, videlicet in quindena post festum S. Michaelis, et circa festum S. Marie in Marcio; et assisa cervisie fiat eisdem terminis secundum valorem bladi et brasii. Et quocienscunque fieri debeat temptacio panis et cervisie, intersit cancellarius predicte vniuersitatis, vel aliqui ex parte sua ad hoc deputati, si super hoc requisiti interesse voluerint: quod si non intersint, nec super hoc requisiti fuerint, nihil valeat temptacio predicta.

(The bakers and brewers of Oxford shall not be punished for their first offence, but for their second shall lose their bread, and for the third shall suffer the judgement of the pillory.

The trial of bread shall be made twice a year, to wit, in the fortnight after Michaelmas, and about the feast of St Mary in March: and the assize of beer shall be made at the same times according to the value of corn and malt.

And whenever the trial of bread and beer ought to be made, the chancellor of the aforesaid university shall be present, or some persons deputed on his part for this purpose, if after being invited they wish to be present; but if they are not present nor invited, the aforesaid trial shall by no means be valid.)

CAMBRIDGE UNIVERSITY, 1268.

Line 2. *For non puniantur read amercientur.*

After panem read vel cervisiam.

3. *After pillorio add vel tumbrello. Both insert* Quilibet pistor habeat sigillum suum et signet panem suum, per quod possit cognosci cujus panis sit; [quod si non fecerit, graviter amercietur]*. *Quicunque de villa Cantebrigg' (Oxon.) braciaverit ad vendendum exponat signum suum, alioquin amittat cervisiam.*

* Cambridge only.

WEYMOUTH, 1252. Quod burgenses nostri supradicte ville de quolibet bracinio pro assisa cervisie fracta nomine amerciamenti nobis et successoribus nostris solvant quattuor denarios tantum et non amplius.

(And that the burgesses of the abovementioned town pay to us and our successors four pence only and no more from every brewing as a fine for the breach of the assize of beer.)

GRIMSBY, 1258. Item, quod omnis pistor dicte ville habeat sigillum proprium ad signandam panem quem facit.

(Item, that every baker of the said town have his own seal for marking the bread which he makes.)

BAKEWELL, 1286. Quod cum ad querelam alicuius vel ad presentationem tastatorum aliqua pandoxatrix de villa de Bauquell' debita forma summonita et conuicta super vendicione nimis debilis ceruisie vel iniuste mensuracionis seu ex alia causa, secundum consuetum modum ad tres denarios tantum qualibet vice amercietur. Et si aliqua iudicialiter conuicta fuerit quod bis assisam fregerit, pro qualibet vice amercietur ad tres denarios tantum. Et si tercia vice assisam fregerit, pro qua alias non fuerit punita, secundum consuetudinem regni iudicio puniatur vel faciat finem, saluis eisdem pandoxatricibus duobus anni temporibus, videlicet a vigilia Assumpcionis beate Marie usque ad octabas eiusdem festi propter tempus nundinarum predictae ville de Bauquell' et a vigilia Natalis Domini usque ad festum sancti Hylarii ob reuerenciam festi Natalis Domini. In quibus temporibus prout visum fuerit expediens absque calumpnia mei siue heredum et assignatorum meorum licite poterunt pandoxare et ceruisiam vendere.

(That when on the complaint of anyone or on the presentment of the ale-tasters any ale-wife of the town of Bakewell is summoned in due form and convicted of the sale of over-weak beer or of short measure or for other reason, she shall be amerced three pence only each time, as is the custom. And should any (ale-wife) be judicially convicted of having twice broken the assize, she shall be amerced three pence only on each occasion. And if she break the assize a third time, and not have been punished for it elsewhere, she shall suffer judgement according to the custom of the realm or shall make fine (for her offence), saving to the said ale-wives two seasons of the year, viz. from the eve of the Assumption of the blessed Mary to the octaves of the said feast on account of the fair-time of the aforesaid town of Bakewell, and from the eve of Christmas day to the feast of St Hilary out of reverence for the feast of Christmas. At which seasons they may lawfully brew or sell beer as seems expedient to them without claim on my part or that of my heirs and assigns.)

KIRKHAM, 1296. [Sit etiam] in dicto burgo assisa panis et cervisie [sicut] libero burgo pertinet. Similiter pondera et measure....

(In the said borough, [let there be] the assize of bread and beer [as] pertains to a free borough. Likewise weights and measures....)

SWANSEA, 1306. Nec aliquis burgensis vel alius de burgo nostro predicto pro transgressione assise ceruisie amercietur aut corporali pene subiciatur. Verumptamen conquerenti qui sequi voluerit versus quemcunque de predictis, si extraneus fuerit, fiat ei remedium et justicia

sicut pedipuluericato; intraneo autem et domestico communis iusticia exhibeatur, temptatoribus et tastatoribus de dicto burgo nostro de Sweyn' totaliter amotis et eliminatis.

(Nor shall any burgess or other of our aforesaid borough be amerced for breach of the assize of ale or subjected to corporal punishment. But to the stranger complainant who is willing to prosecute for such breach let a remedy and justice be done as to a dusty-foot (in a fair court). The internal and domestic complainant, however, shall have the ordinary course of justice, triers and tasters being wholly removed and abolished from our borough of Swansea.)

(7)¹ Recovery of a Burgess's Goods bailed to a Felon

NEWPORT (Kemmes), c. 1241. Item, si burgensis tradit alicui viva averia sua et ille de feloniam vel latrocinio reitatus vitam amittat, burgensis per bonos et legales [? homines] probet averia sua et habeat.

(Item, if a burgess deliver to any man his living plough cattle, and the latter lose his life, being accused of felony or larceny, the burgess shall prove the cattle to be his by good and lawful men², and shall have them.)

NEW ROSS, c. 1279. Quod si quis catalla eorum pro alieno forisfacto extra burgum cepit, eis sine citacione reddantur sicut rationabiliter monstrare poterint quod sua sint.

(That if anyone shall seize their chattels for the forfeiture of another, they shall be returned to them without summons as they can reasonably prove them to be theirs.)

(8) Grant of Borough Amercements to the Burgesses

NEWPORT (Isle of Wight), 1262-93. Concessi eciam quod prefati burgenses quiete habeant omnia et singula amerciamenta de omnibus querelis et placitis ortis in predicto burgo que inter eos placitantur vel placitari possunt.

(I have also granted that the aforesaid burgesses shall quietly have all and singular the amercements from all plaints and pleas arising in the aforesaid borough which are or can be pleaded among them.)

(9) Lord's Reservation of Wrongs done to Members of his Household³

CLITHEROE, 1272-91. Et salvis nobis et heredibus nostris querelis et transgressionibus factis familiaribus nostris per eosdem burgenses vel alios in dicta villa, scilicet in eorum corporibus tantum, quod hii qui deliquerint facient emendas cum seneschallo vel ballivis nostris secundum consuetudinem et legem terre.

¹ Subsections 5 and 6 in vol. I are not represented in this.

² Are these good and lawful men to be witnesses or compurgators? Cf. Bateson *B.C.* I, 71. See also p. 193 above (Berwick-on-Tweed).

³ See also IV D 3 (Penryn, Dunster, Chesterfield).

(And saving to us and our heirs plaints and wrongs done to the members of our household by the said burgesses or other in the said town, to wit, on their bodies only, so that the wrongdoers shall make amends with our steward or bailiffs according to the custom and law of the land.)

(10) Gaoler's Fees

SWANSEA, 1306. Nullus etiam constabularius, portarius, carcerarius seu alius minister noster capiat amodo feodum aliquod de imprisonatis quibuscunque nisi in casibus felonie, set nec tunc quidem nisi per unam noctem in prisona nostra de Sweyn' moram quis fecerit, et licet pluries repleggiatur aut manucapiatur et in prisonam re[tornetur?] dum tamen fit pro eodem facto, semel tantum feodum soluet, scilicet quatuor denarios.

(Also no constable, porter, gaoler or other of our officers shall henceforth take any fee from any prisoners except in cases of felony, and even then only if the person spends a night in our prison at Swansea, and though he be several times replevied or bailed and returned to prison, if it is for the same offence, he shall pay the fee once only, to wit, four pence.)

IV. JURISDICTIONAL PRIVILEGES

E. DISTRESS

(1) Authority to Distrain and Lord's Distrain

(a) DISTRAINT BY BURGESSES FOR THEIR DEBTS

[*KILKENNY*, 1202-10¹. Liceat eisdem burgensibus distringere debitores suos per namia sua quae inventa fuerunt in villa K.

(The said burgesses may distrain their debtors by their distresses in the town of Kilkenny.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289-95.

[*DUBLIN*, 1200². Et quod possint distringere debitores suos per namia sua in Dublin.

(And that they may distrain their debtors by their distresses in Dublin.)]

DROGHEDA (Louth), 1229.

DROGHEDA (Meath), 1247.

WATERFORD, 1232.

CORK, 1242.

LIMERICK, 1292.

SALFORD, c. 1230. Burgenses possunt namare debitores suos pro debitis suis in burgo, si debitor cognoverit debitum, nisi sint tenentes de burgo.

(The burgesses can distrain on their debtors for their debts in the borough, if the debtor admits the debt, unless they are tenants within the borough.)

BOLTON, 1253.

STOCKPORT, c. 1260.

Line 2. *For debitis suis read debito suo.*

MANCHESTER, 1301.

Line 1. *For debitores suos read homines sive milites sive sacerdotes sive clericos.*

2. *After debitis suis read si inventi fuerint.*

Omit si debitor...end.

[*YORK*, 1189-99³. Quod iidem cives namia capiant pro debitis suis.

(That the said citizens may take distresses for their debts.)]

SCARBOROUGH, 1253 (c).

NORTHAMPTON, 1257. Et quod possint districtionem facere infra burgum predictum pro debitis suis, sicut hactenus fieri debuit et consuevit.

(And that they may distrain for their debts within the aforesaid borough, as hitherto it ought and was wont to be done.)

¹ Vol. I, p. 163.

² Vol. I, p. 163.

³ Vol. I, p. 163.

OXFORD, 1257 (*a*). Et quod pro debitis distringere possint infra villam Oxonie et suburbium ejusdem capitales debitores suos et plegios eorundem pro claris debitis, que sibi a dictis debitoribus seu plegiis recognoscentur.

(And that for debts due to them they may distrain within the town of Oxford and its suburb the chief debtors and their pledges for clear debts, admitted by the said debtors or pledges.)

[*TRURO*, 1166¹. Et quod de pecunia eorum accredita et non reddita namium capiant in villa sua de debitoribus suis.

(And that for their money lent and not returned, they may take distress in their town from their debtors.)]

LOSTWITHIEL, 1268.

Line 2. *For villa read burgo.*

BAKEWELL, 1286. Quod burgenses predicti licite valeant debitores suos infra libertatem de Bauquell' repertos pro debitis suis recognitis quoque modo per catalla sua ibidem reperta distringere una cum balliuo meo ibidem presente, quia si presens non fuerit seu de facili reperiri non poterit, licebit eisdem catalla debitorum suorum arestare quousque in presencia balliui mei se iustificare voluerint, de debitis recognitis satisfaciendo.

(That the burgesses aforesaid may lawfully distrain their debtors found within the liberty of Bakewell, for their debts admitted in any way by their chattels found there, along with my bailiff there present, but if he be not present or cannot easily be found it shall be lawful for them to arrest the chattels of their debtors until the latter are willing to clear themselves in the presence of my bailiff by paying their admitted debts.)

TENBY, 1265-94. Similiter concessimus eisdem licenciam namiandi pro debitis suis claris super plegios vel principales debitores ita procul sicut terre burgagiorum suorum se extendunt.

(Likewise we have granted to them license of distraining for their admitted debts on the sureties or principal debtors, so far as the lands of their burgages extend.)

(*b*) *DISTRAINT BY THE LORD FOR BURGESS DEBTS*

INVERNESS, 1250. Preterea mandamus et precipimus vicecomitibus nostris et ballivis ex aquilonali parte de Delmoneth constitutis, vel omnibus et eorum ballivis, [quod eos] qui debita burgensibus nostris debuerunt quod rationabiliter probare potuerunt, ad eadem debita eis juste et sine dilatione reddenda juste distringant. Firmiter autem inhibemus ne quis debita quae eis debet injuste detineat aut etiam ipsos contra predictam concessionem nostram quam eis fecimus de namis suis injuste vexare presumat super nostram plenariam forisfacturam.

(Further, we order and enjoin upon our sheriffs and bailiffs to the north of Delmoneth, or all their bailiffs, that they in accordance with justice distrain

¹ Vol. I, p. 163.

those who owed debts to our burgesses, which these can reasonably prove to be due, to pay them lawfully and without delay. Firmly forbidding, moreover, on pain of our full forfeiture, that any one who owes them debts shall detain them or presume to annoy them about their distresses contrary to our aforesaid concession.

NEWPORT (Kemmes), *c.* 1241. Eodem modo, debeo distringere debitores burgensium unde habeant bailiam et testes quod eis reddant debitum suum.

(In the same manner, I am bound to distrain the debtors of the burgesses of whom they have bail and witnesses, that they shall pay their debts to them.)

(c) DISTRAINT FOR PAYMENTS TO THE LORD

WYCOMBE, 1226. (Fine.) Et si forte predicti burgenses vel heredes sui non reddiderint eidem Alano et heredibus suis predictas triginta libras et predictam marcam ad terminos predictos, secundum quod predictum est, vel taillia cum evenerint, tum licebit eidem Alano et heredibus suis distringere ipsos burgenses et heredes eorum per catalla inventa infra predictum burgum et extra super feodum ipsius Alani et heredum suorum usque ad plenam solutionem predictarum triginta librarum et unius marce et predictorum taillagiorum.

(And if perchance the aforesaid burgesses or their heirs shall not pay to the said Alan and his heirs the aforesaid thirty pounds and mark at the appointed terms, as is aforesaid, or the tallages when they shall arise, then it shall be lawful for the said Alan and his heirs to distrain the said burgesses and their heirs by their chattels found within the said borough and without on the fee of the said Alan and his heirs for the payment in full of the aforesaid thirty pounds and mark and of the aforesaid tallages.)

HELSTON, 1260. Et quod liceat eis sine forinseco ballivo distringere omnes burgenses suos ubicunque sint, sive in villa, sive extra villam, pro debito nostro vel heredum nostrorum.

(And that they may without a foreign bailiff distrain on their burgesses wherever they may be, whether within or without the borough, for our debt or for that of our heirs.)

(2) Restraints on Distress¹

INVERNESS, 1250. Sciatis quod concessimus burgensibus nostris de Invernes ut nullus eorum nametur in regno nostro pro aliquo nisi pro suo proprio debito, forisfacto aut plegiagio.

(Know ye that we have granted to our burgesses of Inverness that none of them shall be distrained in our realm for anything except for his own debt, forfeiture or pledge.)

[*KILKENNY*, 1202-10². Quod nullus burgensis in terra vel potestate mea namietur vel distringatur pro alieno debito, nisi sit debitor principalis vel plegius.

¹ Cf. IV B 5 (b).

² Vol. I, p. 165.

(That no burgess be distrained in my land or dominion for another's debt, unless he be the chief debtor or a security.)]

CARLOW, 1223

MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289-95.

[BRISTOL, 1188¹. Quod nullus burgensis alicubi in terra vel potestate mea namietur vel distringatur pro aliquo debito, nisi sit debitor vel plegius.

(That no burgess be distrained anywhere in my land or dominion for any debt, unless he be the debtor or a surety.)]

WATERFORD, 1232

CORK, 1242.

DROGHEDA (Meath), 1247.

Line 1. *For alicubi read dicti burgi.*

2. *After nisi insert inde.*

3. *Before debitor insert principalis.*

LIMERICK, 1292. As Bristol.

Line 1. *For alicubi read de Limerico.*

BERWICK-ON-TWEED, 1302.

Line 1. *For alicubi read de predicto burgo.*

SALFORD, c. 1230. Catalla burgensium non debent namari pro alicujus debitis nisi pro suis propriis.

(The chattels of a burgess ought not to be distrained for the debts of any person, except for his own debts.)

BOLTON, 1253.

STOCKPORT, c. 1260.

Line 2. *For alicujus read aliquibus.*

WARENMOUTH, 1247. Quod nullus eorum per aliquem distringatur extra eundem burgum nostrum de Warnemuthe ad reddendum alicui debitum aliquod unde non sit capitalis debitor vel plegius.

(That none of them shall be distrained by any one outside our said borough of Warenmouth to pay to any one any debt where he is not chief debtor or pledge.)

CARMARTHEN, 1254-7. (Edward son of Henry III.) Quod nullus eorum infra potestatem nostram vexetur pro debito alicujus vicini, nisi fuerit debitor vel plegius, et quamvis plegius alicujus non cogatur solvere dum debitor habeat unde solvere possit.

(And that none of them be annoyed within our power for the debt of any neighbour, unless he be debtor or surety, and that the surety of another be not forced to pay so long as the debtor has the wherewithal to pay.)

LAUGHARNE, 1278-82.

Line 2. *For potestatem read terram.*

3. *For et quamvis read quominus.*

¹ Vol. I, p. 165.

CARDIGAN, 1284.

Line 3. *For alicujus read* inveniat^r debitum inde.

4. *For dum...end read* quandiu de debitore habeat unde debitum illud solvere possit.

HAVERFORDWEST, 1291.

Line 3 As Cardigan.

LINCOLN, 1255. Quod ipsi vel eorum bona, quocunque locorum in potestate nostra inventa, non arestentur pro aliquo debito de quo fideiussores aut principales debitores non exstiterint, nisi forte ipsi debitores de eorum sint communia et potestate, habentes unde de debitis suis in toto vel in parte satisfacere possint, et dicti burgenses creditoribus eorundem debitorum in iusticia defuerint, et de hoc rationabiliter constare possit.

(That they or their goods, which may be found in any place in our realm, shall not be arrested for any debts of which they are not the sureties or principal debtors, unless perchance the said debtors are of their community and power and have wherewith they can satisfy their debts in whole or in part, and the said burgesses made default of justice to the creditors of the same debtors, and this can be reasonably proved.)

LYNN, 1255.

NORTHAMPTON, 1255.

NORTHAMPTON, 1268 (a).

Lines 1, 2. *For vel...arestentur read* non distringantur.

Line 3. *Omit nisi...end.*

NORWICH, 1255. As Lincoln.

NOTTINGHAM, 1255 (a). Do.

NOTTINGHAM, 1272.

Line 3. *Omit nisi...end.*

BASINGSTOKE, 1256 (b). As Lincoln (*reading* homines *for* burgenses).

BATH, 1256 (b). Do.

BEVERLEY, 1256.

Line 3. *Omit nisi...end.*

BRIDGENORTH, 1256 (b). As Lincoln.

BURY ST EDMUNDS, 1256. Do.

CAMBRIDGE, 1256 (a). Do.

CANTERBURY, 1256 (b). Do.

DERBY, 1256.

Line 3. *Omit nisi...end*¹.

HEREFORD, 1256 (b). As Lincoln.

KINGSTON-ON-THAMES, 1256 (a). Do. (*reading* homines *for* burgenses).

MONMOUTH, 1256. Do.

ORFORD, 1256 (a). Do.

Line 1. *After locorum insert* in regno ac.

PORTSMOUTH, 1256. As Lincoln.

SCARBOROUGH, 1256 (a)². Do.

SHREWSBURY, 1256 (b). Do.

SOUTHAMPTON, 1256 (a). Do.

¹ Unless this was omitted in making the entry on the Originalia Roll.

² Including the men of the king's manor of Falsgrave which he had granted to them to be held at fee farm.

YARMOUTH, GREAT, 1256 (b). As Lincoln.

YORK, 1256 (b). Do.

GUILDFORD, 1257 (a). Do.

Line 5. *For burgenses read homines.*

OXFORD, 1257 (b). Do.

STAMFORD, 1257. Do.

RETFORD, 1259. Do.

BERWICK-ON-TWEED, 1260. Do (To Alexander, king of Scots.)

WORCESTER, 1264.

Lines 1, 2. *For ipsi...arestentur read nullus eorundem civium vel heredum suorum distringatur.*

Line 3. *Omit forte.*

5. *For et...debitorum read et ipsi creditoribus suis.*

LEICESTER, 1269. As Lincoln.

Line 5. *Before burgenses insert maior et.*

CONWAY, 1284.

Line 2. *After in insert terra vel.*

5. *After burgenses insert nostri*

CARNARVON, 1284. As Conway.

CRICCIETH, 1284. Do.

HARLECH, 1284. Do.

BERE, 1284. Do.

FLINT, 1284. Do.

RHUDDLAN, 1284. Do.

OVERTON, 1292. Do.

BEAUMARIS, 1296. Do.

CHESTER, 1300.

Line 1. *For bona read catalla.*

2. *After in read terra vel.*

Line 3. *Omit nisi...end.*

COVENTRY, 1267. (To Prior of Coventry.) Et quod dicti prior et monachi, burgenses, mercatores et homines sui quicunque vel eorum bona quocunque locorum in potestate nostra inventa non distringantur pro aliquo debito de quo fidejussores aut principales debitores non extiterunt.

(And that the said Prior and monks and burgesses and merchants and their men, whomsoever they be, or their goods wheresoever in our realm they may be found, shall not be distrained for any debt of which they are not the sureties or principal debtors.)

Statute Westminster I, 1275¹. Purveu est ensement q en Cite, Burg, Vile, Feire, Marche, ne seit nul home forein q seit de cest reaume destreint dont il ne seit dettur ou plegge, et qi le fra il serra grevement puni, et saunz delai la destresce delivere par les Bailliffs del liu ou par autres Baillifs le Rey.

(It is provided also that in no City, Borough, Town, Fair or Market, there be any foreign person which is of this realm distrained for any debt wherefore

¹ Text and translation from *Statutes of the Realm*, I, 33.

he is not debtor or pledge: and whosoever doth it shall be grievously punished, and without delay the distress shall be delivered unto him by the bailiffs of the place or other the King's bailiffs.)

ABERDEEN, 1277. *Concessimus etiam eisdem ut nullus namos suos vel alicujus ipsorum seu hominum suorum capiat pro alicujus debito, plegiagio vel forisfacto, nisi pro suo proprio debito, plegiagio vel forisfacto, firmiter inhibentes ne quis eos vel aliquem ipsorum contra hanc concessionem nostram vexare presumat injuste, super nostram plenariam forisfacturam.*

(We have also granted to them that none shall take distress from them or any of them or from their men for the debt, pledge or forfeiture of any person, except for their own debt, pledge or forfeiture, firmly forbidding any person from unjustly presuming to vex them, or any of them, contrary to this grant, upon pain of our full forfeiture.)

LEICESTER, 1277. *E pur ceo ke hom soleit destreindre veysin pur veisin a auer le auant, est ore purueu ke nul seit destreint pur altre si il ne fust son plegge ou son meinpernor, ou altre resun seit pur quei il deiue estre destreint pur ly.*

(And whereas a man was wont to distrain neighbour for neighbour to produce him, it is now provided that no one be distrained for another if he were not his surety or his mainperneur, or unless there is some other reason why he ought to be distrained for him.)

LANARK, 1285. *Ita quod nullus eos namare presumat seu injuste gravare in via nostra regia eundo ad dictam villam de Lanark vel redeundo ab eadem, super nostram plenariam forisfacturam.*

(So that none dare to distrain or unjustly annoy them on our royal highway in going to the said town or returning therefrom, under pain of our full forfeiture.)

BODMIN, 1225-57. *Et quod ipsi burgenses non possint namiari in Cornubia pro debito alicujus vicinorum suorum, nisi sint debitores vel plegii.*

(And that the same burgesses shall not be distrained in Cornwall for the debt of any of their neighbours, unless they be the debtors or pledges.)

BODMIN, 1225-57. *Et si contingit quod aliquis de Bodminia in aliquo loco in Cornubia forisfecerit, prohibemus ne alii burgenses ejusdem ville nec eorum catalla pro delicto forisfactoris impediuntur: et si aliquis contra hanc prohibitionem nostram dictos burgenses vel eorum catalla impediunt precipimus quod vicecomes Cornubie, accepta cautione juri parendi, eos et eorum catalla deliberet.*

(And if it happens that any man of Bodmin incur forfeiture in any place in Cornwall, we command that the other burgesses of the same town or their chattels shall not be detained for the fault of him who has incurred forfeiture:

and if any person contrary to this prohibition shall detain the said burgesses or their chattels, we order that the sheriff of Cornwall shall deliver them and their chattels, having taken security for their appearing at Court.)

BAKEWELL, 1286. Quod nullus de balliuis meis intret domos suas ad aliquam districtionem faciendam preterquam pro debito domini regis, cum necesse fuerit, leuando.

(That none of my bailiffs shall enter their houses to make any distraint save for levying a debt due to the king, when need shall be.)

BAKEWELL, 1286. Et quod nullus de libere tenentibus distringatur per balliuos meos sine warda seu iudicio nisi pro firma debita seu pro debito domini regis. Et quod in huiusmodi casibus debito modo fiat districcio.

(And that none of the freeholders shall be distrained by my bailiffs without award or judgement except for rent due or for a debt owing to the king. And that in these cases the distress be taken in due manner)

(3) Dealing with Distresses

[*KILKENNY*, 1202-10¹. Concessi etiam eis quod si quis catalla eorum pro alieno forisfacto extra burgum ceperit, sine occasione redantur sicut rationabiliter monstrare poterint quod sua sunt.

(I have also granted to them that if anyone take their chattels outside the borough for the fault of another, they shall be restored without let or hindrance, as they can reasonably show that they are theirs.)]

CARLOW, 1223.

MOONE, 1223.

ROSBERCON, 1289-95

GRIMSBY, 1258. Item, si aliquis burgensium dicte ville namietur pro vicino suo comburgensi infra comitatum Lincoln', ostendat illud ballivis dicte ville, qui statim precipiant illi pro quo namiatu fuerit, quod namia capta deliberet infra octo dies sub pena viginti solidorum solvendorum communi utilitati dicte ville; et si extra dictum comitatum namiatu fuerit, dicti ballivi precipiant ei pro quo namiatu fuerit, quod namia capta deliberet infra quadraginta dies, sub pena quadraginta solidorum solvendorum communi utilitati dicte ville; et si extra regnum Anglie namiatu fuerit, et de hoc constare fecerit dictis ballivis, statim precipiant ei pro quo namiatu fuerit, quod satisfaciatur dicto namiato super namiacione illa infra quadraginta dies, aut infra tres dies arripiat iter versus illum qui ceperit namia illa ad faciendam deliberacionem namiorum illorum, et hoc sub pena sexaginta solidorum solvendorum communi utilitati dicte ville².

¹ Vol. I, p. 167 and *B.C.* I, 115.

² Quoted *B.C.* I, 116.

(Item, if any burgess of the said town is distrained for his neighbour comburgess within Lincolnshire, he shall show it to the bailiffs of the said town, who shall forthwith order him for whom he was distrained to deliver the pledges so taken within eight days, under penalty of twenty shillings to be paid to the common good of the said town, and if he was distrained without the shire, the said bailiffs shall order him for whom he was distrained to deliver the pledges within forty days, under penalty of forty shillings to be paid to the common good of the town, and if he was distrained without the realm of England and has made this known to the said bailiffs, they shall forthwith order him for whom the distraint was made to satisfy the distrained man on his distraint within forty days, or within three days to start his journey to him who took the said distresses so as to deliver the distresses, and this under penalty of sixty shillings to be paid to the common good of the said town.)

GREAT YARMOUTH, 1272. Derechef purvou est ke si nul de la vile soit en foren lu namee u arestu, ou face paement par achesun de nul de ses veisins, celi veisin seit justice par le avauntidite destresce de aler iloc a fere la deleveraunce, u a gre fere a sun veisin du chatel ke il auera lesce pur li, ensem[b]lement ove le damage ke il avera resceou par lavauntidite destresse. Et si il ne ad dunt il pusse estre destraint a gre fere, ke il seit engete hors de la communaute de la vile ciketaunt ke il gre feit¹.

(Moreover, it is provided that if any man of the town is, in a foreign place, distrained or arrested or makes any payment by default of any of his neighbours, that neighbour shall be compelled by the aforesaid distress to go forthwith to make replevin or make satisfaction to his neighbour concerning that chattel which he has left for him, and likewise payment of the damage which he has suffered by the aforesaid distress. And if he has not wherewith he may be distrained to make satisfaction, he shall be put out of the community of the town, until he has made satisfaction.)

GREAT YARMOUTH, 1272. Derechef, purvou est ke tuz ceus ke en la vile marchaudent ben et leaument paynt pur tut marchaundises surlun le foer et le covenaut fet en le ascat, si la marchaundise par tut seit trouve lele et bone, et si miz seit al esgard de quatre prodeshoumes et ce eluz par la vile ke del avauntidite marchaundise se conceissent, et si le achatu issi ne face, et plainte ensurde, les bailifs et le prodes hommes de la vile le justicent a ceste fere par ce chateus, issi ke si il ne face gre de dedenz les treis jor se avauntidiz chateus seiint venduz par la vewe de prodeshommes a gre fere, et si ses chateus a se ne suffisent, ke ses teres, rentes et mesons soient livreiz en la mein del merchaunt par estimaciun de bone gent, si katant ke le remenaunt de sa dette seit plenerement parrendue, sawe la rente dewe a chefs seynurages del fe, et la sustenance des avaunt dites mesons.

(Moreover it is provided that all those who buy in the town well and lawfully pay for all merchandise according to the agreement and covenant made at the purchase, if the merchandise everywhere is found true and good, and

¹ Quoted *B.C.* I, 116.

if not, (the price) shall be (fixed) by the decision of four wise men and these elected by the town, and who know the value of the aforesaid merchandise, and if the buyer does not do so, and plaint ensues, the bailiffs and the wise men shall compel him to do this by his chattels, and unless he makes satisfaction within three days his aforesaid chattels shall be sold by view of the wise men to make satisfaction, and if his chattels do not suffice, his lands, rents and houses shall be delivered into the hand of the merchant by the valuation of good men until the balance of the debt be fully satisfied, saving the rents due to the chief lords of the fee, and the repairs of the aforesaid houses.)

MANCHESTER, 1301. Si burgensis homini villano aliquid comoderit in burgo et terminus inde transierit, in burgo sumat namium de villano et per namium suum certificet eum, et reddat namium per plegios usque ad terminum octo dierum et tunc reddant plegii sive namium sive denarios.

(If a burgess lend anything to a villein in the borough and the term for which the loan is made shall have elapsed, he may take distress of the villein within the borough and by his distress may certify him. And he shall restore the distress by sureties for the term of eight days, and then the sureties shall give him either the distress or the money.)

(5)¹ Distress to enforce an Agreement

NEWPORT (Kemmes), c. 1241. Item, si burgensis locaverit terram de aliquo libero homine et ille liber homo convencionem ei infringere voluerit, ego debeo illum distringere ad convencionem illam tenendam.

(Item, if a burgess hire land from any freeman, and the freeman wish to break the agreement, I am bound to distrain on the freeman (to compel him) to keep the agreement.)

(6) Distress to compel Appearance

LEICESTER, 1277. Enprimes pur ceo ke quant vn houte se fu pleint de vn altre de dette ou de trespas, demi an ou vn an enter passa souent auaunt ke il poeit mener sun aduersaire a respuns, partie par fieble destresce de baillifs, e pur ceo ke eus muscerent lor choses en chaumbres ou ailors ke hum ne lor poeit destreindre, e ausi pur ceo ke eus passerent saunz amerciement de lors defautes: En amendement de ceste chose est purueu quant vn homme se pleint de vn altre reseant en la vile en sa absence de dette ou de chatels a tort prises ou detenez, seit celi de ki il se est pleint somuns par tesmoinage de dous veysins de estre a la prochein Curt a respundre. E si a cele Curt ne vegne, seit fet vne simple destresce sur li dek il se atache par pleggis de estre a lautre Curt; e si il trusse pleggis e ne vegne pas ou si il ne voile pleggis trouer, seit comaunde a destreindre de estre a la terce Curt par la grant destresce par quanche hom troue del soen dedenz mesun ou dehors, issi

¹ Subsection 4 in vol. I is not represented in this.

ke si il face muscer ou enclorre ses biens en chaumbre ou ailors, le baillif, par veue de les veisins, se face entre par tut a li destreindre dek ataunt kil se justise; e sil ad troue pleggis de uenir, seient les pleggis en la merci pur ceo ke els ne le auient mie a lor ior, si eus ne puissent mustrer resnable enchesun pur quei eus ne le auient mie. En mesme la manere seit fet en plai de trespas quant a destresces, mes ke tut a de primes seit mis par pleggis. Puis quant le defendaunt ad fet defautes issi kil vent par la grant destresce ke seit issue sur li, seit en la mercie, sil ne puisse ses defautes sauuer par dire ke il fu hors de vile e ren saueit del plai, ou ke il fu desturbe par altre achesun resnable, e ceo uoille auerrer¹.

(In the first place because it happened that when a man has impleaded another for debt or trespass, half a year or a whole year often passed before he could bring his adversary to answer, partly by reason of the feeble distress of the bailiffs and partly because men hid their goods in rooms or elsewhere so that no one could distrain them, and partly because they escaped without amercement of their defaults: For amendment of this, it is provided that when a man impleads another resident in the town, in his absence, for debt or for chattels wrongfully taken or detained, let him whom he impleads be summoned by witness of two neighbours, to be at the next court to answer. And if he come not to that court, let a simple distress be made on him until he be bound by sureties to be at the next court, and if he find sureties and does not come, or if he will not find sureties, let order to distrain be issued to make him attend the third court by the Great Distress, by whatsoever may be found of his, within his house or without; so that if he causes his goods to be hidden or shut up in a room or elsewhere, the bailiff by view of the neighbours may enter everywhere to distrain him till justice be done; and if he has found sureties to come, let the sureties be in mercy because they did not have him [in court] on the day appointed, unless they can show reasonable excuse why they did not have him; in the same manner let it be done in plea of trespass as to distresses, but so that everything from the first shall be done by sureties. Afterwards when the defendant has made defaults so that he comes by the Great Distress which is to be issued against him, let him be in mercy, unless he can save his defaults by saying that he was out of town and knew nothing of the plea, or that he was hindered by some other reasonable excuse and is willing to aver the same.

(7) Distress for Rent or Service²

LEICESTER, 1277. Purueu est ausi ke si rente ou servise de terre ou de tenement seit du au seignor de la vile ou a acun autre, e son fe li seit forclos par mur ou par haye ou par mesun, ke le bailif ou le seignor ne puisse entrer a son fe destreindre pur son servise ke arere est, bien list al bailif ou al seignor fere sei entre, e mur ou pareie percer, si le tenaunt ne li face entre e partut destreindre des kil eit son servise. Mes ceo seit primes mustre en la curt de la vile e asent demande. E puis le facent seurement si eus quident dreit auer, solum ceo ke de aunciente ad este vse³.

¹ Quoted *B.C.* 1, 108.

² See also Bakewell, 1286 (p. 233).

³ Quoted *B.C.* 1, 293.

(It is provided also that if rent or service of land or tenement be due to the lord of the town or any other, and his fee be closed to him by a wall or hedge or house, so that the bailiff or the lord cannot enter on his fee to distrain for his service which is in arrear, it shall be lawful for the bailiff or the lord to make his entry and to pierce through wall or partition, if the tenant does not let him enter, and distrain everywhere until he has his service. But this must first be shown in the court of the town and assent asked. And then they may do it securely, if they think that they have right, according as of old has been the custom.)

(8) Distress for Tallages and Aids

LYNN, 1305. Et liceat maiori eiusdem burgi qui pro tempore fuerit pro tallagiis et aliis auxiliis rationabilibus super communitatem dicti burgi pro utilitate eiusdem assessis leuandis, quotiens opus fuerit, rationabiles facere districtiones, sicut hactenus in casu huiusmodi rationabiliter fieri consuevit.

(And the mayor of the said borough for the time being shall have power to make reasonable distrains for levying tallages and other reasonable aids assessed upon the community of the said borough for its advantage, as often as need shall be, as has hitherto been reasonably wont to be done in the like case.)

(9) Distress on Surety

LEICESTER, 1277. E pur ceo ke auent acune fiez ke vn homme se pleint de vn altre de grant quantite de dette ou de gref trespas e celi de ki se est pleint ne seit mie asez iustisable par teres ne tenemenz ne par altre chose ke il ad en la vile a vne fiez, vent e meine chatels en la vile, e est par ceus chatels destreint a sei iustiser, e face deliuerer ces chatels par plegges ou meinpernors a uenir e a estre a dreiture, puis lest ses plegges ou ses meinpernors en cure, e se sustret e li e ses biens, ke nule destresce sur li ne put estre troue: E pur ceo ke les plegges en tel kas soleyent fere lor pes vers le Baillif de vn sis deners ou de duzze, de ceo ke eus ne le auoyent mie si cum els le pleivirent ou meinprisent, e par taunt passerent quit, e le pleintif perdi issi sa dette ou ses amendes ke auer dust: sur ceo est purueu en tel cas si destresce seit deliueere par pleggage ou meinprise de acuni, si celi ki est repleui ou meinpris ne vegne a sei iustiser cum fere deit, seient ses plegges ou ses meinpernors destreint a auer le auaunt, si eus le puissent auer, e seyent en la merci pur ceo ke eus ne le aueient mie, si eus ne se puissent par resnable enchesun sauuer, e dunk a meins eyent la Chose auaunt ke par lor pleuine ou par lor meinprise fu deliueere, ou la value¹.

(And whereas it sometimes happens that a man sues another for a great quantity of debt or for grievous trespass, and the person thus impleaded is

¹ Quoted *B.C.* 1, 98.

not sufficiently justiciable by lands or tenements or other goods that he has in the town at one time, and he comes and brings chattels into the town, and is distrained by these chattels to come to justice, and causes his chattels to be delivered by pledges or mainpernours to come and be at right, and then leaves his pledges or mainpernours in charge, and withdraws himself and his goods, so that no distress can be found on him. And whereas pledges in such case were wont to make their peace with the bailiff for a sixpence or a shilling, because they had not got him there as they pledged or mainprised, and passed quit for so much and so the plaintiff lost his debt or the amends that he ought to have; for this it is provided that in such case if distress have been delivered by pledges or mainprise of any one, if he who is replevied or mainprised does not come to justify himself as he ought to do, his pledges or mainpernours shall be distrained to have him there, if they can, and shall be in mercy because they have not produced him, unless they can save themselves by some reasonable excuse, and then at least they shall produce the chattel which was delivered by their plevin or mainprise, or its value.)

IV. JURISDICTIONAL PRIVILEGES

F. BOROUGH AND SHIRE

(1) County Courts and Assizes

DUNHEVED, 1225-56. Concessimus etiam ipsis et heredibus suis, pro nobis et heredibus nostris, habere octo comitatus per annum in burgo suo prenominato, incipiendo a proximo comitatu post clausum Pasche usque ad finem octo comitatuum proximorum sequentium.

(We have granted also to them and their heirs, for us and our heirs, that they shall have eight county courts every year in their aforesaid borough, beginning from the court next following the close of Easter, until the end of eight courts next following.)

GUILDFORD, 1257 (*b*). Quod comitatus noster Surreye imperpetuum teneatur in eadem villa de Guildeford. Et quod justiciarii nostri itinerantes ad communia placita in comitatu predicto, quociens ipsos contigerit, sedeant et teneant assisas illas et placita illa in eadem villa¹ de toto comitatu predicto.

(That our county court of Surrey shall be held at Guildford for ever, and that our justices in eyre for common pleas in the aforesaid county, as often as they shall happen to go on circuit, shall sit and hold those assizes and those pleas in the said town for the whole county aforesaid.)

WINDSOR, 1277. Et quod justiciarii nostri in comitatu Berks. itinerantes tam ad communia placita quam ad placita forestarum itinera sua de cetero teneant in eodem burgo.

(And that our justices in eyre in the county of Berks. shall henceforth hold their eyre in the said borough, both for common pleas and for pleas of the forests.)

(2) County Gaol

WINDSOR, 1277. Et etiam quod capitalis gaola nostra eiusdem comitatus sit in ipso burgo, liberatione² dicte gaole semper facienda ibidem.

(And that the chief gaol of the said county shall be in the said borough, and that the delivery of the said gaol shall be there made.)

¹ Instead of Leatherhead. About two years later there were complaints of inconvenience caused by the change, but Edward I is said to have confirmed the privilege in 1278-9 (Brayley, *Hist. of Surrey*, I, 312, referring to Rot. Itin. 7 Edw. I).

² Corrected from "liberatio."

IV. JURISDICTIONAL PRIVILEGES

G. AUTHORITY TO MAKE BYE-LAWS, ETC.

(1) Power to make Ordinances and Agreements

OSWESTRY, 1263. Noverit universitas vestra (nos) de speciali gracia et favore quam penes burgensibus nostris¹ ville nostre de Oswaldes-
tria gerimus et habemus, in melioracionem eorundem burgensium et
incrementum utilitatis burgensium nostrorum, dedisse et concessisse
pro nobis et heredibus nostris prefatis burgensibus nostris et eorum
heredibus et successoribus plenam [et] liberam potestatem et auctoritatem
ordinandi, faciendi et conficiendi infra seipsos laudabiles ordinaciones
et composiciones que erunt et sonabunt² honestum et proficuum et
emolumentum predictorum burgensium et eorum successorum, prero-
gativa nostra reservata.

(Be it known to you all that we, of our special grace and favour which we
bear and have towards our burgesses of our town of Oswestry and for the
amelioration of the said burgesses and the increase of the profit of our burgesses,
have given and granted for us and our heirs to the aforesaid burgesses their
heirs and successors full and free power and authority to ordain, make and
complete between themselves praiseworthy ordinances and agreements which
shall be and sound to the honour and profit and advantage of the said burgesses
and their successors, saving our prerogative.)

¹ *Sic*. The text is corrupt.

² Corrected from "son'at."

V. MERCANTILE PRIVILEGES

A. MARKETS AND FAIRS

(1) Ban of Trade to Borough

[INVERKEITHING, 1165-1214. Sciatis me concessisse burgensibus meis de Inuyrkethin ut capiant tolneium et consuetudines et omnes rectitudines ad burgum pertinentes inter aquam de Leuene et aquam de Douane et in aquis et terris tam de batellis quam de navibus. Et prohibeo firmiter ne quis tolneium aut aliquam consuetudinem ad predictum burgum pertinentem aut in aquis aut in terris infra predictas divisas absque eorum licencia capiat aut aliquam mercaturam extra burgum exerceat super meam plenariam forisfacturam.

(Know ye that I have granted to my burgesses of Inverkeithing the right to take toll and customs and all rights pertaining to a burgh between the water of Leven and the water of Devon both on water and on land from boats and from ships. And I firmly forbid any from taking toll or any custom pertaining to the aforesaid burgh either on water or on land within the aforesaid bounds without their license or from exercising any trade outside the burgh under penalty of my full forfeiture.)]

INVERKEITHING, 1223 (a) *Add* Sicut carta Domini Regis Willelmi patris nostri inde facta predictis burgensibus testatur.

INVERKEITHING, 1259. *Add* Sicut carte Domini Regis Willelmi avi nostri et domini Regis Alexandri fratris nostri inde facte predictis burgensibus plenius testantur.

[PERTH, 1165-1214¹. Prohibeo firmiter ne quis mercator extraneus infra vicecomitatum de Perth extra burgum meum de Perth aliquid emat vel vendat super meam defensionem, sed mercator extraneus veniat cum mercandis suis ad burgum meum de Perth et ibi eas vendat et denarios suos implicet. Si quis vero mercator extraneus super hanc defensionem meam inventus fuerit in vicecomitatu de Perth aliquid emens vel vendens, capiatur et detineatur donec voluntatem meam de eo precepero.

Prohibeo etiam firmiter ne quis extraneus extra burgum meum de Perth emat vel vendat coria vel lanam nisi in burgo meo de Perth.

(I firmly forbid any stranger merchant buying or selling anything within the sheriffdom of Perth except in my burgh of Perth against my prohibition, but the foreign merchant shall come with his merchandise to my burgh of Perth and shall there sell them and expend his money. If any foreign merchant in defiance of this prohibition is found in the sheriffdom of Perth buying or selling anything, he shall be taken and detained till I declare my will concerning him.

I also firmly forbid any foreigner from buying or selling hides or wool without my burgh of Perth, except within my burgh of Perth.)]

¹ Vol. I, p. 169 (corrected).

STIRLING, 1226.

Line 1. *For prohibeo read prohibemus.* Plurals throughout.

Lines 3, 4. *For mercator...suis read mercatores extranei deferant mercandisas suas.*

4, 5. *For vendat and implicet read vendant and implicent.*

8. *Omit prohibeo...end.*

STIRLING, 1226. Prohibemus etiam firmiter ne quis manens extra burgum nostrum de Strivelin in vicecomitatu de Strivelin faciat pannum tinctum vel tonsum infra vicecomitatum de Strivelin nec facere faciat, preter burgenses nostros de Strivelin qui sint de gilda mercatoria et qui communicent ad auxilia nostra solvenda cum burgensibus nostris de Strivelin, exceptis illis qui de hac libertate cartas suas hucusque habuerunt. Quare prohibemus firmiter ne quis in vicecomitatu de Strivelin facere presumat pannum tinctum vel tonsum super nostram plenariam forisfacturam. Si vero aliquis pannus tinctus vel tonsus inventus fuerit factus super hanc defensionem nostram precipimus vicecomiti nostro quatenus capiat ipsum pannum et inde faciat secundum quod consuetudo fuerit tempore regis David.

(We also strictly forbid anyone dwelling outside our borough of Stirling in the county of Stirling to make any dyed or sheared cloth within the county of Stirling, or to have it made, except our burgesses of Stirling who are of the merchant guild and who join with our burgesses of Stirling in paying aids to us, saving those who have hitherto had their charters for this liberty. Wherefore we strictly forbid anyone in the county of Stirling to presume to make dyed or sheared cloth on pain of our full forfeiture. If, however, any such cloth shall be found made contrary to this prohibition we order our sheriff to seize the cloth and deal with it as was customary in the time of king David.)

LANARK, 1285. Prohibemus etiam ne quis infra vicecomitatum nostrum de Lanark emat lanas vel coria vel aliquam aliam mercaturam exerceat vel pannum latum et tinctum et tonsum faciat preter burgenses nostri de Lanark; item, ne aliquis alius mercator infra dictum vicecomitatum nostrum vel in burgo nostro de Lanark aliquam mercaturam emat nisi a dictis burgensibus de Lanark, super nostram plenariam forisfacturam. Si quis alienus mercator inventus fuerit in dicto vicecomitatu nostro de Lanark emens lanas, coria vel aliquam mercaturam aliam consimilem exerceat, cum bonis suis capiatur et teneatur donec de eo nostram fecerimus voluntatem.

(We also forbid that anyone within the sheriffdom of Lanark, buy wool or hides or carry on any other trade or make broad cloth or dyed and shorn cloth except our burgesses of Lanark; also, that no other merchant buy any merchandise within our said sheriffdom or in our burgh of Lanark except from the said burgesses of Lanark, under pain of our full forfeiture. If any foreign merchant is found in the said sheriffdom of Lanark buying wool or cloth or carrying on any similar trade, he shall be taken with his goods and held in custody, until we have wrought our will on him.)

HAVERFORDWEST, 1219-31. Quod nullus mercator sit in terra qui non sit residens in burgis nostris, et quod naves venientes cum mercaturis in Milford non vadant alibi in terra nostra ad merces suas vendendas nisi apud Pembroc vel Haverford, salvis tamen consuetudinibus inde debitis.

(That no merchant be in our land except he be resident in our boroughs, and that ships coming with merchandise to Milford (Haven), do not go elsewhere in our land to sell their merchandise than to Pembroke and Haverford, saving however to us the customs due therefor.)

SALFORD, c. 1230. Nullus infra wapontak Salford ut sutor, peliparius, fullo vel aliquis talis exerceat officium suum nisi sit in burgo, salvis libertatibus baronum.

(None within the wapentake of Salford, such as a shoemaker, skinner, fuller or any such tradesman shall carry on his trade except he be in the borough, saving the liberties of the barons.)

BOLTON, 1253.

Line 2. *For talis read alius.*

3. *Omit* baronum.

STOCKPORT, c. 1260.

Line 1. *For wapontak Salford read* terram meam de Stokeport.

3. *Omit* salvis libertatibus baronum.

WATERFORD, c. 1230. Henricus...venerabili patri in Christo Henrico...Dublin' archiepiscopo et iusticiario suo Hibernie, Salutem. Monstraverunt nobis fideles nostri cives Waterford quod naves plenes cum mercandis applicant frequenter ad portum comitis Willelmi Mareschalli de Ros ad grave dispendium nostrum et dampnum et detrimentum maximum civitatis nostre Waterfordie. Et ideo vobis mandamus quod non permittatis aliquam navem ad portum illud applicare cum mercandis ad dispendium nostrum et dampnum predictæ civitatis nostre aliter quam naves ibidem applicare solebant temporibus domini Johannis regis patris nostri ante guerram motam inter ipsum et barones suos in Anglia.

(Henry...to the Venerable Father in Christ Henry...archbishop of Dublin and justiciar of Ireland, Greeting. Our faithful citizens of Waterford have shown to us that ships laden with merchandise touch frequently at the port of earl William Marshal at (New) Ross to our grave loss, and to the very great damage and detriment of our city of Waterford. And therefore we command you that you do not permit any ship to touch at that port with merchandise to our loss and the damage of our aforesaid city otherwise than ships were wont to touch there in the time of our lord king John before the war waged between him and his barons in England.)

WATERFORD, 1267. Edwardus illustris regis Anglie primogenitus omnibus mercatoribus et rectoribus navium que non sunt de terra here-dum Walteri le Mareschal, quondam comitis Pembrock, in Lagenia, venturis cum navibus et mercandis in Hiberniam, Salutem.

Sciatis quod per totam Lageniam clamari et prohiberi fecimus quod nulla navis que non sit de terra heredum predictorum in Lagenia de cetero accedat usque Ros vel Insulam vel applicet ibidem cum vinis et mercandisis aliis ad negociandum ibidem, sicut mercatores quorum vina et mercandise ille fuerint ea perdere noluerint, et sicut rectores navium predictarum que sunt aliunde quam de terra heredum predictorum dampnum et gravamen sive impedimentum de navibus suis incurrere noluerint. Et quod civitas nostra Waterford, cujus portum naves predictae devitant et applicare malunt apud Ros et Insulam quam apud Waterford, per applicationem predictam plurimum deteriorata est, ut audivimus, et nos per consequens valde inde sumus perdentes. Et ideo vobis mandamus, firmiter inhibentes ne de cetero, omisso portu Waterford, cum vinis et aliis mercandisis vestris accedere presumatis usque Ros vel Insulam, sicut volueritis quod vina et alie mercandise vestre et naves similiter nobis non incurrantur.

(Edward, the first born son of the illustrious King of England to all merchants and masters of ships which are not of the land of the heirs of Walter Marshal, formerly Earl of Pembroke, in Leinster, who shall come with their ships and merchandise into Ireland, Greeting. Know ye that throughout all Leinster we have caused it to be proclaimed and forbidden that any ship which is not of the land of the aforesaid heirs in Leinster shall henceforth go to (New) Ross or Island¹ or touch there with wines and other merchandise for trading there, as the merchants, whose wines and merchandise they are, wish to avoid loss of them, and as the masters of the ships aforesaid, which are from other places than the land of the aforesaid heirs, wish to avoid loss and damage or hindrance to their ships. And because our city of Waterford, whose port the aforesaid ships avoid and prefer to resort to Ross and Island rather than to Waterford, by the aforesaid resort is very much deteriorated, as we have heard, and consequently we have much lost thereby. And therefore we order you, firmly enjoining that you shall not presume to avoid the port of Waterford with your wines and other merchandise and to resort to Ross or Island as ye wish that your wines and other merchandise and your ships likewise shall not be forfeited to us.)

NEWPORT (Kemmes), *c.* 1241. Item, nullus mercator forensis emat vel vendat extra villam meam de Novo Burgo.

(Item, no foreign merchant shall buy or sell without my town of Newport.)

SCARBOROUGH, 1256 (*b*). Et quod nullus portus aut kayum ullo modo fiat aut fieri permittatur per nos vel heredes nostros aut per aliquem alium inter predictum burgum et Raveneser'.

(And that no harbour or quay be made or be permitted to be made by us or our heirs or by any person between the aforesaid borough and Ravenser.)

¹ *I.e.* the great Island, parish of Kilmokea. For the rivalry of Waterford and Ross see P. H. Hore, *Old and New Ross* (1900), p. 133. Similar writs were issued in 1275 and 1277 (*Chart. Hib.* 34).

SHREWSBURY, 1265. Et quod nullus mercator de lanis venalibus alicubi locorum infra comitatum Salopp' empciones aliquas facere possit, nisi in villis mercatoriis ejusdem comitatus.

(And that no wool merchant shall buy anywhere in the county of Salop, except in the merchant towns thereof.)

GREAT YARMOUTH, 1306. Nos, pro eo quod (villa) predicta nostra de Magna Jernemutha est liber burgus noster, et per progenitores nostros situata extitit super portum nostrum predictum, occasione proficui de eodem portu nostro provenientis ad melioracionem ejusdem ville nostre percipiendi, Concessimus burgensibus nostris ejusdem ville nostre et successoribus suis, burgensibus ville illius, pro nobis et heredibus nostris, Quod omnia mercandise et mercimonia, quecunque sint, sive de piscibus sive de aliis rebus quibuscunque, que infra dictum portum nostrum dicte ville nostre Magne Jernemuthe in navibus sive batellis seu alio modo adduci seu deferri contigerit, vel ibidem negocietur de eisdem, licite et aperte apud villam de Magna Jernemutha et non alibi infra portum predictum discarcentur.

(We, because our aforesaid town of Great Yarmouth is our free borough and by our ancestors has been placed on our aforesaid port, with a view to taking the profit of the aforesaid port for the improvement of our same town, Have granted to our burgesses of the same town and their successors, burgesses of that town, for us and our heirs, That all merchandise and wares, whatever they may be, whether fish or other things whatsoever, which may happen to be brought within the said port of our said town of Great Yarmouth in ships or boats or in any other way, or are the subject of bargains made there, shall be lawfully and openly unloaded at the town of Great Yarmouth and not elsewhere within the aforesaid port.)

CONWAY &c., 1284-1307. In a lawsuit of 1370, the following citation of a charter of Edward I was pleaded.

Dicit enim quod idem Rex proavus (i.e. Edwardus nuper rex Anglie proavus predicti principis) post conquestum predictum statuit, ordinavit, et publice proclamari fecit quod nulle ferie nec mercate forent nec alique mercimonie, videlicet de bovis, vaccis, equis et aliis, preterquam de minutis rebus, videlicet de victualibus &c fierent alicubi in tota North-wallia alibi quam in villis de Conewey, Beaumarais, Neuburgh, Caern' Crukyth, Hardelegh et Bala¹.

(He says moreover, that the same king (i.e. Edward, formerly king of England, greatgrandfather of the aforesaid prince) after the aforesaid conquest, decreed, ordained, and caused public proclamation to be made, that no fairs or markets should be held nor any trafficking, to wit of oxen, cows, horses and other wares, except small traffic such as victuals, should be done anywhere in North Wales elsewhere than in the towns of Conway, Beaumaris, Newborough, Carnarvon, Criccieth, Harlech and Bala.)

¹ Cf. *Arch. Cambr.* 4th ser. x, Suppl. p. xxxiii.

CARNARVON, ? 1284. In a charter of Edward, prince of Wales, dated 20 January in the 28th year of his principate is a recital:

Cum dominus Edwardus nuper rex Anglie proavus noster ad fundacionem ville predictae ordinavit et proclamari fecit quod omnes homines commotorum vicinorum habere debent et uti mercatum suum ad dictam villam et nullibi alibi.

(Whereas our lord, Edward, formerly king of England, our greatgrandfather, at the foundation of the aforesaid town, ordained and caused proclamation to be made, that all the men of the neighbouring commotes should have and use their market at the said town and nowhere else.)

CONWAY, ? 1284.

BEAUMARIS, ? 1296. In a charter of Edward prince of Wales of 1366 is a recital:

Cum serenissimus dominus Edwardus, nuper rex Anglie, proavus noster, ad fundacionem et situm ville nostre Belli Marisci ordinari fecit et publice proclamari quod omnes homines commotorum de Wyndathe, Thelyn et Salebolyen¹ haberent et tenerent mercata sua ad predictam villam Belli Marisci ad vendendum et emendum et nullibi alibi, in auxilium et relevacionem ville predictae.

(Whereas our most excellent lord Edward, formerly king of England, our greatgrandfather, at the foundation and establishment of our town of Beaumaris caused it to be ordained and publicly proclaimed that all the men of the commotes of Wyndathe, Thelyn and Salebolyen should have and hold their markets at the aforesaid town of Beaumaris for selling and buying and nowhere else, for the aid and relief of the aforesaid town.)

(2) Grant and Regulation of Market²

DUMBARTON, 1221. Concedo eciam in predicto burgo in qualibet septimana unum diem fori, scilicet diem Mercurii.

(I grant also one market day in every week in the aforesaid burgh, to wit, Tuesday.)

DINGWALL, 1226. *For Mercurii read Lune.*

STIRLING, 1226³. Sciatis...nos concessisse...burgensibus nostris de Strivelin diem fori in burgo nostro de Strivelin, scilicet, diem sabbati in qualibet ebdomada; nostramque firmam pacem iuste dedisse omnibus qui ad forum illud venient; et prohibemus firmiter ne quis illis qui ad predictum forum nostrum venient in veniendo vel in redeundo iniuriam vel molestiam aut grauamen aliquod iniuste inferat, super nostram plenariam forisfacturam.

(Know ye...that we have granted...to our burgesses of Stirling a market day in our burgh of Stirling, namely Saturday in each week; and that we have

¹ Corruptly for Tindaethwy, Turcelyn and Talybolion (T.).

² See also I 3 (Camelford, 1260, Newburgh, 1266). List incomplete.

³ Cf. Inverness, 1199-1214, vol. 1, p. 172.

given our firm peace in accordance with law to all who shall come to that market; and we firmly forbid that anyone unlawfully inflict any injury, molestation or annoyance upon those who shall come to the said market either in coming or returning, on pain of full forfeiture to us.)

MONTGOMERY, 1227. Et unum mercatum ibidem per diem Jovis singulis septimanis cum omnibus libertatibus et liberis consuetudinibus ad huiusmodi ferias et mercatum pertinentibus.

(And a market there on Thursday in every week, with all liberties and free customs to fairs and a market of this kind appertaining.)

CHIPPING SODBURY, 1227. Thursday.

SALISBURY, 1227. (To the bishop.) Tuesday.

LOOE, WEST, ? 1243. (To Odo of Trevorbyn.) Wednesday.

DROGHEDA (Meath), 1247. Wednesday.

DEGANWY, 1252. Tuesday.

CLIFTON (Worc.), 1270. (To Roger de Mortimer.) Thursday.

LYDHAM (Salop), 1270. (To Adam de Montgomery.) Wednesday.

ABERYSTWYTH, 1277. Monday.

NOVA VILLA, 1286 (b). Tuesday and Friday.

HULL, 1299. Tuesday and Friday.

"*RAVENSEROD*," 1299. Tuesday and Saturday.

"*SKYNBURGH*," 1301. Thursday.

KIRKBY JOHANNIS, 1305. Thursday.

HARTLEPOOL, 1230. Et in qualibet hebdomada libera mercata scilicet die martis.

(And in every week a free market, to wit, on Tuesday.)

TINTAGEL, 1225-56. Et quod qualibet die Mercurii cujuslibet septimane habeant apud Tyntajoil quoddam mercatum.

(And that they shall have every Wednesday in every week a market at Tintagel.)

MORPETH, 1239-66 (c). Concessi insuper et confirmavi prefatis burgensibus et eorum heredibus illam placiam quietam ubi forum eorum esse solebat, exceptis tamen tofto Alicie Hudde et pistrina eiusdem ville, et excepta quadam fabrica quam Philippus faber quondam tenuit. In qua placia volo quod stalla eorum construant ubi carnes et pisces vendant usque ad horam nonam. Et prohibeo super plenam forisfacturam mei et heredum meorum ne quis presumat vendere carnes nec pisces ante horam nonam alibi quam super dicta stalla, nisi in grosso.

(Moreover, I have granted and confirmed to the said burgesses and their heirs that place, quit of rent, where their market was wont to be, except, however, the toft of Alice Hudde and the bakehouse of the said town, and except a certain smithy which Philip the smith formerly held, in which place I will that they build their stalls and sell flesh and fish till the ninth hour. And I forbid, on pain of full forfeiture to me and my heirs that anyone presume to sell flesh or fish before the ninth hour elsewhere than on the said stalls, except wholesale.)

LOSTWITHIEL, 1268. (Quod habeant) mercatum in die Martis in qualibet septimana.

(That they shall have a market on Tuesday in each week.)

CHARD, 1271-2. Et mercata sua quolibet die Lune libere, sicut habere consueverunt¹.

(And their markets every Monday freely, as they have been wont to have them.)

KINGHORN, 1285. Sciatis nos pro utilitate et melioracione burgi nostri de Kyngorne concessisse burgensibus et communitati ejusdem loci forum infra dictum burgum omni die Jovis. Tenendum et habendum adeo libere, quiete et honorifice sicut aliqui alii burgenses et communitates infra regnum nostrum habent in burgis suis diebus eis concessis empcionibus et vendicionibus utendo.

(Know ye, that, for the good and improvement of our burgh of Kinghorn, we have granted to the burgesses and community of the same burgh a market within the said burgh on every Thursday. To hold and to have as freely, quietly and honourably as any burgesses and communities within our realm have in their burghs on their market days granted to them in buyings and sellings.)

BERWICK-ON-TWEED, 1302. Concedimus insuper...prefatis burgensibus quod ipsi et eorum heredes habeant infra eundem burgum duo mercata singulis septimanis, unum, videlicet per diem Lune et aliud per diem Veneris.

(We grant moreover to the aforesaid burgesses that they and their heirs shall have in the same borough two markets every week, one, to wit on Monday and the other on Friday.)

(3) Grant of Fair²

DUMBARTON, 1226. Fair of eight days on 24 June, with the customs and liberties of the fairs of Roxburgh.

MONTGOMERY, 1227. Quod habeant singulis annis imperpetuum duas ferias in predicto burgo, scilicet unam ad festum Sancti Bartholomaei per quattuor dies duraturam, scilicet in vigilia et die et duabus diebus sequentibus, et aliam ad festum Omnium Sanctorum per octo dies duraturam, scilicet in vigilia et die et sex diebus sequentibus.

(That they shall have every year for ever two fairs in the aforesaid borough, to wit, one at the feast of St Bartholomew to last for four days, to wit, on the eve and the day and on two following days, and the other at the feast of All Saints, to last for eight days, to wit, on the eve and the day and the six following days.)

¹ See p. 250.

² See also I 3 (Camelford, 1260). List incomplete.

CHIPPING SODBURY, 1227. 8 days from St John Baptist.

SALISBURY (NEW), 1227. (To Bishop.) One fair from eve of Assumption of B.V.M. to morrow of the octave.

Do. 1270. 8 days at St Remigius.

HEREFORD, 1227 (*b*). 3 days at St Denis.

CASHEL, 1228. 8 days from eve of Holy Trinity.

DERBY, 1229. 2 days in Whitsun week and 15 days from morrow of Purification.

LEICESTER, 1229¹. 8 days before and after St James.

LOOE, WEST, ? 1243. 3 days at Michaelmas.

MARLBOROUGH, 1246. 4 days from eve of SS. Peter and Paul.

DROGHEDA (Meath), 1247. 8 days at Assumption of B.V.M.

HUNTINGDON, 1252. 10 days from Monday before Ascension.

DEGANWY, 1252. 6 days at St Martin.

DUBLIN, 1252. 15 days at Translation of St Thomas the Martyr.

Do. 1280¹. 15 days at St Benedict abbot.

DROGHEDA (Louth), 1253. 15 days at St Luke.

SCARBOROUGH, 1253 (*b*). Assumption of B.V.M. to Michaelmas.

KINGSTON-ON-THAMES, 1256 (*b*). 8 days from 3 November.

STAFFORD, 1261. 8 days at St Matthew.

HYTHE, 1261. 4 days at St Edmund².

AYR, 1261. 15 days at St John Baptist.

LISKEARD, 1266. 3 days at Assumption of B.V.M. (second fair).

CLIFTON (Worc.), 1270. 4 days at St Margaret.

LYDHAM, 1270. 4 days at St Ethelbert and 4 at St Michael in Monte Tumba.

ABERYSTWYTH, 1277. 4 days at Whitsuntide and 8 at Michaelmas.

NEWCASTLE-UNDER-LYME, 1281. 3 days at Holy Trinity.

NOVA VILLA, 1286. 5 days at St Lawrence.

LIMERICK, 1292. 15 days from eve of St James the Apostle.

HULL, 1299. 30 days at St Augustine after Easter.

"RAVENSEROD," 1299. 30 days at Nativity B.V.M.

HIGHAM FERRERS, 1300. 3 days at Michaelmas.

"SKYNBURGH," 1301. 17 days at Nativity of St John Baptist.

KIRKBY JOHANNIS, 1305. Do.

GLOUCESTER, 1302. 7 days from eve of Nativity of St John Baptist.

HARTLEPOOL, 1230³. Volumus et concedimus quod in dicta villa de Hertilpole sint singulis annis ad festum S. Laurencii libera feria que duret per quindecim dies.

(We will and grant that in the said town of Hartlepool shall be every year a free fair to last for fifteen days at the feast of St Lawrence.)

MARLBOROUGH, 1246. Sciatis quod volumus et concedimus pro nobis et heredibus nostris quod pro melioratione ville nostre de Merleberge decetero teneatur ibidem, in parochia sancti Petri circa ecclesiam extra cimiterium et infra, una feria duratura singulis annis per quatuor dies,

¹ Change of date.

² No toll, stallage or custom to be taken from any persons coming or from their goods or merchandise.

³ A few grants are given in full to illustrate various features.

videlicet in vigilia et in die apostolorum Petri et Pauli et duobus diebus sequentibus¹.

(Know ye that we will and grant for us and our heirs that for the bettering of our town of Marlborough there be henceforth held there, in the parish of St Peter about the church without and within the churchyard, a fair to last annually for four days, viz. on the eve and the day of the apostles Peter and Paul and the two days following.)

SALTASH, before 1246. Et quod feria eiusdem ville in media villa teneatur, ubi consueverat tempore antecessorum meorum.

(And that the fair of the same town be held in the middle of the town, where it was wont to be held in the time of my ancestors.)

FARNHAM, 1247. Habere debent feriam unam de Farnham integram ad festum Omnium Sanctorum sine aliqua diminucione.

(They ought to have a full fair at Farnham at the feast of All Saints without any diminution.)

RETFORD, 1259. Sciatis quod ad emendacionem burgi nostri de Retford concessimus...quod ipsi et eorum heredes imperpetuum habeant unam feriam apud Retford singulis annis per octo dies duraturam, videlicet in vigilia et in die et in crastino Sancte Trinitatis et per quinque dies sequentes, nisi feria illa sit ad nocumentum vicinarum feriarum².

(Know ye, that, for the improvement of our borough of Retford, we have granted...that they and their heirs shall have a fair at Retford to last for eight days, to wit on the eve and the day and the morrow of the feast of the Holy Trinity and for five days following, provided that that fair be not a nuisance to the neighbouring fairs.)

TINTAGEL, 1225-56. Et quod habeant quolibet anno quasdam nundinas apud Tyntajoil in Octabis Sancti Michaelis, duraturas per tres dies scilicet in Vigilia Sanctae Fidis et in festo et in crastino Sanctae Fidis.

(And that they shall have every year a fair at Tintagel in the Octave of St Michael, to wit, on the Eve and the Feast and the morrow of St Faith.)

LOSTWITHIEL, 1268. Quod habeant semel in anno nundinas in burgo suo, scilicet in vigilia et in die et in crastino Sancti Barth.

(That they shall have a fair once a year in their borough, to wit, on the eve and the day and the morrow of St Bartholomew.)

CHARD, 1271-2. Quia desideramus promotionem burgensium nostrorum de Cerde volumus et concedimus...quod predicti burgenses habeant imperpetuum nundinas S. Jacobi integre et sine diminucione infra metas burgi de Cerde, et mercata sua quolibet die Lune libere sicut habere consueverunt. Salvis nobis et successoribus nostris theoloneo et

¹ Cf. vol. I, p. 172.

² A common condition.

amerciamentis et aliis profectibus in predictis nundinis et mercatis pro quibuscunque transgressionibus factis.

(Because we desire the welfare of our burgesses of Chard, we will and grant ...that the aforesaid burgesses shall have for ever St James's Fair completely and without diminution within the bounds of the borough of Chard, and their market every Monday as they were wont to have. Saving to us and our successors the toll and ameracements and other profits made in the aforesaid fair and market for all kinds of trespasses.)

ABERDEEN, 1273. Ut habeant singulis annis a die sancte Trinitatis nundinas in burgo nostro de Aberden' per duas septimanas continue sequentes duraturas, cum omnibus iuribus, libertatibus, rectitudinibus et consuetudinibus ad alias nundinas nostras in burgis nostris per regnum nostrum constitutis iuste pertinentibus.

(That they may have every year from Trinity Sunday a fair in our borough of Aberdeen to last for two weeks in succession, with all rights, liberties, dues and customs lawfully belonging to our other fairs in our burghs established throughout our realm.)

NEATH, 1280. Sciatis quod volumus et concedimus pro nobis et heredibus nostris quod una feria sit in burgo nostro de Neeth singulis annis per tres dies ibidem duratura, scilicet in vigilia in die et in crastino Sancte Margarete virginis.

(Know ye that we will and grant for us and our heirs that there shall be one fair in our borough of Neath every year to last there for three days, to wit, on the eve, the day and the morrow of St Margaret the virgin.)

NOTTINGHAM, 1284. Et quod ipsi et eorum successores preter feriam suam per octo dies ad festum Sancti Matthaei Apostoli durantem, habeant imperpetuum unam aliam feriam in eadem villa singulis annis per quindecim dies duraturam, videlicet in vigilia, die et in crastino festi Sancti Edmundi Regis et Martiris et per duodecim dies sequentes, nisi feria illa sit ad nocumentum vicinarum feriarum.

(And that they and their successors in addition to their fair lasting for eight days at the feast of St Matthew the Apostle, shall have for ever one other fair lasting for fifteen days, to wit, on the eve, the feast day and the morrow of the feast of St Edmund, King and Martyr, and for twelve days following, provided that that fair be no nuisance to the neighbouring fairs.)

BERWICK-ON-TWEED, 1302. Et quod habeant unam feriam singulis annis in eodem burgo, cum omnibus ad ea spectantibus, a festo Inventionis Sancte Crucis usque ad festum Nativitatis S. Johannis Baptiste duraturam.

(And that they shall have one fair in the said borough every year, with all things to it pertaining, to last from the feast of the Finding of the Holy Cross to the feast of the Nativity of St John the Baptist.)

(4) Grant of Toll¹

NOTTINGHAM, 1230. Concessimus etiam...eisdem burgensibus et heredibus suis quod capiant tronagium in villa de Notingham de mercandisis quae consistunt in pondere, sicut capi consuevit² in aliis burgis et civitatibus per Angliam.

(We have also granted to the said burgesses and their heirs that they may take tronage (*i.e.* dues for use of public weights) in the town of Nottingham from merchandise which is sold by weight, as is wont to be taken in other boroughs and cities throughout England.)

FARNHAM, 1247. Item, habere debent totum tolum quod aliquo modo potest accidere in spatio predicto.

(Item, they ought to have all the toll which in any manner can arise within the aforesaid district.)

HUNTINGDON, 1252. Sciatis quod pro xx libris de nouo incremento quas burgenses nostri de Huntindon' nobis reddent annuatim ad scaccarium nostrum cum firma sua quam actenus soluerunt et adhuc soluent ad idem scaccarium nostrum ad duos terminos, concessimus eis... quod ipsi in perpetuum libere capiant et habeant totum theoloneum infra uillam sancti Iuonis et extra in omnibus locis tam tempore nundinarum eiusdem uille quam alio tempore, sicut idem burgenses illud theolonium melius, plenius et liberius perceperint antequam illud cepissemus in manum nostram.

(Know ye that in consideration of an increase of £20 which our burgesses of Huntingdon are to pay to us yearly at our exchequer with the farm which they have hitherto paid and will still pay at our said exchequer at two terms, we have granted to them...that they shall for ever freely take and have all the toll within and without the town of St Ives in all places as well at the time of the fair there as at other times, as the said burgesses best and most fully and freely took that toll before we took it into our hands.)

CHRISTCHURCH, 1245-62. Sciant presentes et futuri quod ego Baldwinus de Redveriis, filius et heres Baldwini de Redveriis quondam comitis Devon et domini Insule, dedi...burgensibus meis Christi ecclesie de Twynham et eorum heredibus sive successoribus imperpetuum totum thelonium et stallagium et omnes consuetudines cujuscunque mercature nundinarum Sancte Fidis cum omnibus suis pertinentiis in villa Christi ecclesie de Twynham, tam extra villam quam infra, hereditarie. Salvis mihi et heredibus meis attachiamentis et placitis earundem nundinarum.

(Know all men, present and future, that I Baldwin de Redvers, son and heir of Baldwin de Redvers formerly earl of Devon and lord of the Island, have given...my burgesses of Christchurch Twynham and their heirs or successors for ever in inheritance all the toll and stallage and all customs from

¹ Cf. vol. I, p. 176. For grant of tolls to Inverkeithing, see p. 241, and to Brecon, p. 317.

² Correction from "consueverunt."

every kind of merchandise at the fair of St Faith with all its appurtenances in the town of Christchurch Twynham, both within the town and without. Saving to me and my heirs the attachments and pleas of the same fair.)

NEWPORT (Isle of Wight), 1262-93. Et etiam quod habeant totum theolonium et custumam quae ad me pertinet in predicto burgo et extra burgum, simul cum potestate distringere pro eisdem theolonio et custuma in omnibus locis ubi ea aliquando tempore consueverunt, exceptis tredecim placeis et dimidia supradictis, et salvis libertatibus a me concessis abbati et conventui de Quarr et hominibus suis, priori Christi ecclesiae de Twynham et hominibus suis et priori de Appledurcombe et hominibus suis, prout cartae eorum plenius et melius testantur: Habenda et tenenda omnia premissa data et concessa predictis burgensibus et eorum heredibus cum omni commoditate et incremento quae in predicto burgo accessere poterint sine contradictione, reclamazione seu impedimento nostri vel heredum aut assignatorum meorum libere &c.

(And also that they shall have all the toll and custom belonging to me within and without the borough together with power to distrain for the same toll and custom in all places where they were ever wont to do so, excepting the 13½ places aforesaid, and saving the liberties granted by me to the abbot and convent of Quarr and their men, to the prior of Christchurch at Twynham and his men, and to the prior of Appledurcombe and his men, as their charters testify more fully and better: To have and to hold all the above-mentioned given and granted to the aforesaid burgesses and their heirs with all profit and increase which can accrue within the borough aforesaid without any contradiction, reclamation or hindrance on the part of me or my heirs or assigns freely etc.)

(6)¹ Penalties for Evasion of Toll

LONDON, 1268. Et quod nullus exponat mercimonia sua vendicioni que custumam debeant quousque custuma debita levetur, sub forisfactura totius averii de quo secus fieri continget.

(And that no one expose for sale their wares which owe custom until the due custom is paid, under forfeiture of the whole of the load in the case of which the contrary shall happen to have been done.)

MELCOMBE [REGIS], 1280.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

MANCHESTER, 1301. Et si aliquis de alia schiria venerit qui debeat consuetudinem reddere, si cum tolneto decesserit et retentus [fuerit] a prefecto vel ab alio, ejus forisfactura erit duodecim solidi ad opus domini et reddat tolnetum suum.

(And if anyone from another shire shall come who ought to pay custom, and departs with his toll, if he is detained by the prefect or anyone else, his forfeiture shall be twelve shillings to the use of the lord, and he shall pay his toll.)

¹ Subsection 5—Schedule of Tolls—not represented in this volume, but for one at Shrewsbury see 15 *Rep. Hist. MSS. Comm.* App. 10, p. 2.

(7) Freedom from Toll (General)

[AYR, 1202-7¹. Concessi etiam burgensibus qui illuc venient ad burgum meum inhabitandum, et ibi sedentes et manentes erunt, ut quieti sint a tolneio et omni consuetudine per totam terram meam de dominicis catallis suis. Prohibeo itaque firmiter ne quis in regno meo ab aliquo illorum tolneium aut aliquam aliam consuetudinem de dominicis catallis exigat, super meam plenariam forisfacturam.

(I have granted also to my burgesses who shall come thither to inhabit my borough, and shall be there settled and dwelling, that they shall be quit of toll and of every custom throughout my whole land for their own chattels. I forbid therefore that any in my kingdom shall exact from any of them for their own chattels toll or any other custom, under my full forfeiture.)]

AYR, 1223.

DUMBARTON, 1221.

DINGWALL, 1226².

STIRLING, 1227.

Lines 1, 2. *For qui...erunt read* qui in eodem burgo erunt manentes.

Line 3. *After sint insert* inperpetuum.

Omit omni.

For terram read regnum.

LANARK, 1227. As Stirling.

RUTHERGLEN, 1214-48. As Stirling.

Lines 1, 2. *For qui...manentes read* et eorum successoribus.

Line 3. *Read* liberi sint et quieti.

[LONDON, 1194³. Omnes cives Londoniarum sint quieti de theloneo et lestagio per totam Angliam et per portus maris.

(All the citizens of London shall be quit of toll and lestage throughout all England and the seaports.)]

LONDON, 1227 (*d*).

Line 2. *Omit* per totam...maris.

Add et omni alia consuetudine per omnes terras nostras citra mare et ultra et per portus maris citra mare et ultra (as 1199).

LONDON, 1268. Quod per totam terram et potestatem nostram ubi venerint alibi cum rebus et mercandis suis, et etiam per omnes portus maris tam citra mare quam ultra, quieti sint de thelonio et lestagio et omni alia consuetudine.

(That throughout all our land and realm wherever they come with their goods and merchandise, and also throughout all the seaports both on this side of the sea and the other, they be quit of toll and lastage and all other custom.)

MELCOMBE [REGIS], 1280.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

¹ Vol. I, p. 191.

² The recital omits "prohibeo...end."

³ See vol. I, p. 181.

LONDON, 1253. Et quod iidem cives per totam potestatem nostram, tam citra mare quam ultra, sint quieti de omni theolonio et consuetudine in perpetuum, sicut in cartis predictorum regum continetur.

(And that the same citizens through all our realm, on both sides of the sea, shall be quit of all toll and custom for ever, as is contained in the charters of the kings aforesaid.)

LONDON, 1299. Quod ipsi et eorum successores, cives eiusdem civitatis, in perpetuum sint quieti de pavagio, pontagio et muragio per totum regnum nostrum et totam terram et potestatem nostram.

(That they and their successors, being citizens of the said city, shall be for ever quit of pavage, pontage and murage throughout the whole of our kingdom and land and dominion.)

ROCHESTER, 1227. As London, 1194.

CAMBRIDGE, 1227 (a)¹. Quod cives Cantabrigiae de gilda mercatorum sint quieti de theloneo et passagio et lestagio et pontagio et stallagio in feria et extra et per portus maris Angliae et omnium terrarum nostrarum citra mare et ultra mare, salvis in omnibus libertatibus civitatis Londoniae.

(That the citizens of C. of the merchant guild be quit of toll, etc. in and out of fairs and in the seaports of England and of all our lands on both sides the sea, saving, etc.)

WAREMOUTH, 1247. (Cf. Winchester, 1190, vol. I, p. 181.)

Line 1. *For cives C. read omnes burgenses predicti burgi de Warne-muth et heredes sui.*

For mercatorum read mercatoria.

2. *Omit et stallagio.*

3. *Read tam in feria quam extra.*

Insert omnes before portus and omit maris Angliae et.

4. *Omit salvis...Londoniae.*

HEREFORD, 1227². Et quod quieti sint de theloneo et lestagio et passagio et pontagio et de leue³ et de Danegeld et de gaiwite et de omnibus aliis consuetudinibus et exactionibus per totam potestatem nostram tam in Anglia quam in omnibus aliis terris nostris.

(And that they shall be quit of murder and lestage and passage and pontage and leave and Danegeld and gaiwite and of all other customs and exactions throughout all our realm both in England and all our other lands.)

BRIDGENORTH, 1227 (b).

Line 1. *After quieti sint add per totam terram nostram.*

2. *After pontagio insert stallagio.*

MONTGOMERY, 1227. As Bridgenorth.

SHREWSBURY, 1227 (a). Do.

Line 4. *Add salvis civitati nostrae Londoniae libertatibus suis.*

WORCESTER, 1227. As Shrewsbury.

WORCESTER, 1264. Do.

DEGANWY, 1252. As Bridgenorth.

¹ As 1201 (vol. I, p. 182), inserting "et stallagio."

² Cf. vol. I, p. 189.

³ "Quod est *licitia*" (Worcester confirmation of 1264).

ABERYSTWYTH, 1277. As Bridgenorth.

BUILTH, 1278.

Line 2. *For Danegeld read Danegeldis.*

4. *For Anglia read Wallia.*

Add sicut villa nostra de Hereford predictis libertatibus et quietantiis hactenus usa [est] et gavis.

RHUDDLAN, 1278. As Builth.

LIVERPOOL, 1229.

Line 1. *After quieti sint insert per totam terram suam per omnes portus maris.*

2. *After passagio insert et stallagio and omit et de leue...end.*

WIGAN, 1246. As Liverpool.

CONWAY, 1284. As Bridgenorth (b).

Line 2. *After passagio insert muragio.*

CARNARVON, 1284. As Conway.

CRICCIETH, 1284. Do.

HARLECH, 1284. Do.

BERE, 1284. Do.

FLINT, 1284. Do.

RHUDDLAN, 1284. Do.

OVERTON, 1292. Do.

Line 2. *For leue read ostallagio.*

BEAUMARIS, 1296. As Conway.

CHESTER, 1300.

Line 1. *After lestagio insert muragio, pavagio and after pontagio, et tallagio.*

SALISBURY (NEW), 1227. Et quod cives ejusdem civitatis ibidem manentes per totam terram sint quieti de theloneo, pontagio, passagio, paagio, lestagio, stallagio, cariagio et omni alia consuetudine per totam terram nostram de omnibus rebus suis quas per terram vel per aquam deportare fecerint.

(And that the citizens of the said city, living there, shall be quit of toll, pontage, passage, paage, lestage, stallage, carriage and of every other custom throughout the whole of our land for all their goods which they are transporting by land or water.)

[KILKENNY, 1202-10¹. Iidem autem burgenses sint quieti de theloneo et lastagio et passagio et pontagio et de omnibus aliis consuetudinibus per totam terram et potestatem meam.

(Moreover the said burgesses shall be quit of toll and lastage and passage and pontage and of all other customs throughout my whole land and dominion.)]

CARLOW, 1223. *Add preter quam in villa mea de Pembroc et villa mea de Wex' (Wexford).*

MOONE, 1223. As Carlow.

NEW ROSS, c. 1279. As Kilkenny.

ROSBERCON, 1289-95. Do.

[BRISTOL, 1188². As Kilkenny, *reading* Quod for Iidem autem burgenses.]

WATERFORD, 1232. As Bristol.

CORK, 1242. Do.

LIMERICK, 1292. Do.

¹ See vol. I, p. 184.

² See vol. I, p. 184.

[IPSWICH, 1200¹. Quod omnes burgenses de Gipeswic quieti sint de theloneo, passagio, pontagio, stallagio, lestagio et omnibus aliis consuetudinibus per totam terram nostram et per portus maris.

(That all the burgesses of Ipswich shall be quit of toll, passage, pontage, stallage, lestage, and all other customs throughout the whole of our land and the seaports.)]

DROGHEDA (Louth), 1229.

Line 1. *Omit* omnes burgenses de Gipeswic.

2. *Omit* omnibus...et.

3. *Add* per omnia dominia nostra que fuerint in manu nostra tempore confeccionis hujus carte.

DROGHEDA (Meath), 1247. As Drogheda (Louth).

Line 2. *Omit* stallagio.

NEWCASTLE-UNDER-LYME, 1235. As Ipswich, but *for* per totam terram...maris *read* salvis in omnibus libertatibus civitatis Londoniae².

CARDIGAN, 1230. Quod ipsi et heredes eorum imperpetuum sint quieti de theloneo, passagio et pontagio et omnibus consuetudinibus per totam terram nostram.

(That they and their heirs for ever be quit of toll, passage and bridge dues and of all customs throughout all our land.)

CARDIGAN, 1284. Et quod ipsi a prestacione theolonii per totam terram et potestatem nostram immunes sint de cetero et quieti.

(And that they shall be immune and quit in future from payment of toll throughout all our land and dominion.)

HAVERFORDWEST, 1291.

WEST LOOE, ? 1243. Et quod burgenses de eodem burgo sint liberi et quieti de omnibus consuetudinibus.

(And that the burgesses of the said borough be free and quit of all customs.)

MARLBOROUGH, 1239³. Sciatis quod cum contencio mota fuisset in curia nostra coram nobis inter probos homines nostros de Merleberg querentes et probos homines nostros Suhampton' deforciantes de telonio quod predicti homines de Suhampton' capiebant de hominibus nostris de Merleberg contra libertates suas quas habent per cartam domini Johannis regis patris nostri et per cartam nostram, ut asserebant, tandem de licentia nostra taliter inter eos convenit quod omnes homines de Merleberg qui sunt in gilda mercanda de Merleberg et hoc affidare voluerint, quieti sint imperpetuum de omni consuetudine et omnimodo

¹ See vol. I, p. 188.

² An inflated copy printed by Farrer, *Lancs. Pipe Rolls*, 414 (see critical note), adds "ulnagio" after "lestagio."

³ Placed by Mr Ballard under VA 8, but as the Marlborough claim rested on a grant of general freedom from toll by King John in 1204 (omitted in vol. I, p. 190), its proper place seems to be here.

tellonio in villa Suhampton' et in omnibus pertinenciis suis de quibus homines Suhampton' infra libertatem suam dictos homines de Merleberg acquietare possint, non obstante eo quod carta nostrorum hominum de Suhampton' prior est cartis predictorum hominum de Merleberg. Et similiter homines de Suhampton quieti sint de omni consuetudine et tellonio in villa de Merleberg. Nos igitur volentes quod predicta convencio firma sit et stabilis imperpetuum, ipsam pro nobis concedimus et confirmamus.

(Know ye that whereas a suit had been commenced in our court before us between our good men of Marlborough plaintiffs and our good men of Southampton defendants concerning the toll which the aforesaid men of Southampton took from our men of Marlborough contrary to their liberties which they had by the charter of our lord king John our father and by our own charter, as they alleged, at length by our license it was thus agreed between them, that all the men of Marlborough who are of the merchant guild, and are willing to swear to that effect, shall for ever be quit of all custom and all manner of toll in the town of Southampton and in all its appurtenances, from which tolls our men of Southampton can acquit the men of Marlborough within their liberty, notwithstanding that the charter of the aforesaid men of Southampton is prior to the charters of the aforesaid men of Marlborough, and likewise the men of Southampton shall be quit of all custom and toll in the town of Marlborough. We therefore willing that the aforesaid agreement shall be firm and stable for ever, grant and confirm the same for ourselves.)

BATH, 1246¹. Precipimus quod cives de Bathon' qui sunt de gilda eorum mercatoria habeant in omnibus eandem quietacionem et libertatem de omnibus mercatis suis, quocumque venerint per terram vel aquam, de theloneo, de passagio, de lestagio et de omnibus aliis consuetudinibus et rebus quam plenius et liberius habent cives nostri Winton' de gilda eorum mercatoria.

(We enjoin that the citizens of Bath who are of their merchant guild shall have in all things that quittance and freedom for all their goods, wherever they come by land or water, of toll, of passage, of lestage, and of all other customs and things which our citizens of Winchester of their merchant guild have most fully and freely.)

BATH, 1275. Sciatis nos concessisse...venerabili patri Roberto Bathon. et Wellen. episcopo quod omnes cives et omnes homines sui et successorum suorum de civitate sua Bathonie, et ipsorum civium et hominum heredes, quieti sint per totum regnum nostrum de theolonio et prestatione ejusdem theolonii imperpetuum.

(Know ye that we have granted to our Venerable Father, Robert, Bishop of Bath and Wells, that all the citizens and all the men of himself and his successors of the city of Bath and the heirs of the same citizens and men shall be for ever free from toll and the payment of the same toll throughout all our realm.)

¹ Confirming a clause of 1189 omitted in vol. 1.

FAVERSHAM, 1252. Sciatis nos concessisse, etc. baronibus nostris de Faveresham quietanciam de theoloneo et omni consuetudine de tota vendicione et acato suo per totam Angliam et Normanniam, in cuiuscumque terram venerint.

(Know ye that we have granted, etc., to our barons of Faversham quittance of toll and of all custom on every sale and purchase made by them throughout England and Normandy, into whosoever land they shall come.)

FAVERSHAM, 1252. Werkfri¹, witefri, lestagefri et locoffri.

(Wreck-free, wite-free, lestage-free and lovecop-free.)

READING, 1253. Quod omnes burgenses de Radinges qui sunt in gilda mercatoria² in Rading' imperpetuum quieti sint de...theloneis, passagiis et cariagiis; et vendant et emant vbicunque voluerint, per totam Angliam, sine theloneo.

(That all burgesses of Reading who are in the merchant guild in Reading shall for ever be quit of tolls, passages and carriages; and shall sell and buy wheresoever they will, over all England, without (payment of) toll.)

[YORK, 1189-99³. (Henry III in a charter of 1252 recites that he has inspected a charter of Richard I granting to citizens of York) quietanciam cujuslibet theolonei, lastagii, et de wreck, pontagii, et passagii, et de trespas, et de omnibus costumis per totam Angliam, Normanniam, Aquitaniam, Andegaviam et Pictaviam et per omnes portus et costas maris Angliae, Normanniae, Andegaviae, Aquitaniae et Pictaviae.

(Quittance of every toll and lastage and wreck and pontage and passage and from trespass and from all customs throughout all England, Normandy, Aquitaine, Anjou and Poitou and through all the ports and coasts of the sea of England, Normandy, Anjou, Aquitaine and Poitou.)]

SCARBOROUGH, 1253 (c).

BASINGSTOKE, 1256 (a), (b). Et quod omnes de manerio predicto quieti sint de theolonio per totam terram nostram.

(And that all of the aforesaid manor shall be quit of toll throughout our whole land.)

ORFORD, 1256 (b). Et quod ipsi et eorum heredes imperpetuum sint quieti de theolonio per totum regnum et potestatem nostram.

(And that they and their heirs for ever shall be quit of toll throughout our kingdom and dominion.)

WORCESTER, 1264. Concedimus etiam eisdem ciuibus quod ipsi per totam terram et potestatem nostram quieti sint, quantum ad nos

¹ Usually written "wrecfri" (see Cinque Ports, 1278, below). In the Hythe charter of 1156 (vol. I, p. 182) it is "werecfri." For "locoffri," see Index.

² "In gilda mercatoria" omitted in the copy in Coates' *Hist. of Reading* (App. vii). For the words omitted, see p. 164.

³ See vol. I, p. 187.

pertinet, de murag(ii)s et de prisā mercandis arum suarum, salua recta prisā nostra.

(We also grant to the said citizens that they shall be quit throughout our land and dominion, as far as we are concerned, of murage and of prise of their merchandise, saving our right prise.)

SHREWSBURY, 1265. Quod ipsi et eorum heredes in perpetuum sint quieti de omnimoda contribucione muragii faciēda in regno nostro.

(That they and their heirs be quit for ever from every kind of murage payment in our realm.)

MONTGOMERY, 1267. Sciatis quod ad instantiam Edwardi primogeniti nostri carissimi concessimus... nostris burgensibus et probis hominibus de Mountgomery quod ipsi et heredes sui in perpetuum quieti sint a prestatione muragii per totum regnum nostrum Anglie.

(Know ye that at the request of our most dear eldest son, we have granted to our burgesses and upright men of Montgomery that they and their heirs for ever shall be quit of the payment of murage throughout all our realm of England.)

LYDHAM, 1270. Et quod iidem homines et burgenses in perpetuum quieti sint de theoloneo et tallagio per totum regnum et potestatem nostram.

(And that the same men and burgesses be for ever quit of toll and tallage throughout our whole realm and dominion.)

WINDSOR, 1277. Et quod quieti sint de theoloneo prestando in omnibus burgis et villis et dominicis per totum regnum nostrum predictum.

(And that they shall be quit of paying toll in all boroughs, towns and demesnes throughout the whole of our realm aforesaid.)

CINQUE PORTS, 1278. Ita quod quieti sint de omni theoloneo et omni consuetudine, videlicet ab omni lestagio, tallagio, passagio, cayagio, rivagio, sponsagio et omni wreceo et de tota venditione, achato et rechato suo per totam terram et potestatem nostram¹.

(So that they be quit of every toll and of every custom, to wit, from all lestage, tallage, passage, quayage, rivage, sponsage and all wreck and from all sale, purchase and repurchase throughout all our land and realm.)

FAVERSHAM, 1302².

CINQUE PORTS, 1278. Et quod sint wrecfry, wittefry, lestagefry et lovecopfry³.

(And that they be wreck-free and wite-free and lestage-free and lovecop-free.)

FAVERSHAM, 1302.

¹ This is an expanded copy of the similar clause in the Hastings charter of 1155-8 (vol. 1, p. 183).

² For an earlier grant in 1252 see above.

³ This is practically a copy of a clause in the Hythe charter of 1156 (vol. 1, p. 182). See also Faversham, 1252, above, and note.

NETHER WEARE, 1278-9. Sciatis nos...confirmasse dilecto et fidei nostro Auncelmo de Gornay, militi, nobiscum in obsequio nostro in partibus Scotie commoranti, quod ipse et omnes burgenses sui et heredes eorum de Netherwere in comitatu Somerset erunt liberi de omnibus custumis in omnibus mercandizis quecunque mercandise in toto regno nostro ubi per nos liberari possunt imperpetuum, sicut coram nobis recordatum est quod dicti Auncelmus et burgenses sui habuerunt ex concessione antecessoris nostri Henrici primi (*sic*) Mauricio le (*sic*) Gaunt¹ militi.

(Know ye that we have confirmed to our beloved and faithful knight, Anselm de Gornay, serving with us in the parts of Scotland, that he and all his burgesses of Nether Weare in the county of Somerset shall be free of all customs on all their merchandises, whatever merchandise can be freed from custom by us in all our realm, according as it has been recorded in our presence that the said Anselm and his burgesses had this right by the grant of our ancestor Henry the First to Sir Maurice le Gaunt.)

NEWPORT (Salop), 1287. Et quod quieti sint de muragio per totum regnum nostrum.

(And that they be quit of murage throughout our realm.)

HULL, 1299. Quod dicti burgenses et eorum heredes per totum regnum et potestatem nostram de theolonio, pontagio, passagio, paviagio, muragio et omnibus aliis consuetudinibus de rebus et mercandis suis propriis prestandis imperpetuum sint quieti².

(That the said burgesses and their heirs throughout all our kingdom and realm shall be quit of paying toll, pontage, passage, pavage and murage and all other customs on their own goods and wares for ever.)

BERWICK-ON-TWEED, 1302.

Line 3. *After* muragio *insert* cavagio (due for cellarage), lastagio, carriagio, picagio, kaiagio, ryvagio, et de tota vendicione, achato et rechato suo per totum regnum etc. (as above) cum socco et sacca, et tol et theam, warda et wardpeny.

BRISTOL, 1300. Quod ipsi et successores sui, burgenses ejusdem villae, imperpetuum sint quieti de muragio, stallagio et pavagio³ per totum regnum nostrum et potestatem nostram.

(That they and their successors, burgesses of the same town, shall be for ever quit of murage, stallage and pavage throughout the whole of our kingdom and dominion.)

EXETER, 1300.

Line 2. *Omit* stallagio.

¹ Maurice de Gaunt called also Maurice Paynel (? 1184-1230) was the son of Robert de Were who died 1195 (15 *E.H.R.* 309); so that the grantor of the charter cannot have been Henry I.

² Ravenserod, 1299, in same terms.

³ Corrected from "pannagio."

BARNSTAPLE, 1272-1307. Quod ipsi et successores sui burgenses eiusdem burgi imperpetuum sint quieti de muragio et pavagio per totum regnum nostrum et potestatem nostram.

(That they and their heirs, being burgesses of the said borough, may for ever be quit of murage and pavage throughout all our realm and dominion.)

BEVERLEY, 1307.

LINCOLN, 1301. Quod ipsi et successores sui, cives ejusdem civitatis, inperpetuum sint quieti de muragio, pavagio, pontagio, cayagio, stallagio et terragio per totum regnum nostrum, terram nostram et potestatem.

(That they and their heirs, citizens of the said city, shall be for ever quit of murage, pavage, pontage, wharfage, stallage and terrage throughout our realm, etc.)

NORWICH 1305. Quod ipsi et successores sui predicti in perpetuum sint quieti de theolonio, pontagio, passagio, muragio, pavagio, lastagio, cariagio, picagio, cayagio, et rivagio per totum regnum nostrum et potestatem nostram.

(That they and their successors for ever be quit of toll, pontage, passage, murage, pavage, lastage, carriage, picage, quayage, and rivage throughout all our kingdom and all our power.)

(8) Freedom from Toll (Partial)¹

HAVERFORDWEST, 1219-29. Quod de cetero sint liberi de stallagio in villa Penbroc.

(That from henceforth they shall be quit of stallage in the town of Pembroke.)

HAVERFORDWEST, 1219-31. Noveritis nos concessisse...dilectis et fidelibus burgensibus nostris de Haverford ut quieti sint per totam terram nostram de tonnagio.

(Know ye that we have granted to our beloved and faithful burgesses of Haverford(west) that they shall be quit of tonnage throughout all our land.)

HAVERFORDWEST, 1234-41. Noverit universitas vestra nos concessisse...dilectis burgensibus nostris de Haverford(west) et heredibus suis quod per totam terram nostram tam in Anglia quam in Wallia, Hibernia et Scocia et ubicunque posse nostrum extendit, exceptis dominicis nostris, ubi consuetudines dare consueverunt, quieti sint de toloneo, pontagio, et passagio, et de omnibus consuetudinibus, sicut ipsos melius et liberius super premissos quietos facere possumus et liberos.

¹ See also I 7 (Poole, c. 1248) and I 8 (Yarmouth, 1240-62).

(Be it known to you all that we have granted...to our beloved burgesses of Haverford(west) and their heirs that throughout the whole of our land as well in England as in Wales, Ireland and Scotland and wherever our power extends, except our demesnes, wherever they are wont to pay customs, they shall be free from toll and pontage and passage and from all customs, as we can best and most freely make them quit and free in respect of the premises.)

HARTLEPOOL, 1230. Et salvis nobis et successoribus nostris quod homines nostri, tam liberi quam alii, de feodo nostro et homines prioris et conventus Dunelmensis, tam liberi quam alii, sint liberi de theloneo in perpetuum de predicto burgo de Hertilpole.

(And saving to us and our successors that our men of our fee, both free and others, and the men of the prior and convent of Durham, both free and others, shall be free of toll for ever in the aforesaid borough of Hartlepool.)

SALFORD, c. 1230. Burgenses predicti et omnes sui, de quocunque emerint vel venderint, ubicunque fuerint in dominicis meis, sive in nundinis sive in foris, erunt quieti de tolneto, salvo tolneto salis.

(The aforesaid burgesses and all their men of whomsoever they may buy or sell wherever they may be in my demesnes, whether in fairs or markets, shall be quit of toll, saving the toll of salt.)

BOLTON, 1253.

Line 3. *After foris read* sive in omnibus terris nostris.

Omit salvo...salis *and read* salvis libertatibus nostris per cartas nostras prius datas et usitatas. (?datis et usitatis.)

STOCKPORT, c. 1260.

Line 1. *Omit* et omnes sui.

2. *For* dominicis meis *read* comitatu Cestrie.

3. *After* salvo *insert* in les Wyches.

MANCHESTER, 1301. Burgensis, de quocunque emerit vel venumdaverit in feodo predicti domini, liber erit a tolneto.

(A burgess, of whomsoever he may buy or sell within the fee of the aforesaid lord, shall be quit of toll.)

LEEK, *after* 1224¹. Ut sint liberi per totam Cestresiriam et quieti de tolneio in aquis et villis et in omnibus locis, sicut carta que de domino comite habemus de quietancia tolneii testatur, excepto sale in Wychis.

(That they be quit throughout all Cheshire of toll in waters, towns and all places, as is witnessed by the charter which we have from our lord the earl concerning quittance of toll, except salt in the Wyches.)

DUNHEVED, 1225-56. (Richard, Earl of Cornwall.) Et quod quieti sint per totam terram nostram de puntage, de astalage, de suillage, et omnibus aliis consuetudinibus.

(And that they be quit throughout all our land of pontage, stallage, and sullage, and all other customs.)

¹ Cf. vol. I, p. 194.

PLYMPTON, 1242. *Preterea concessimus dictis burgensibus et heredibus suis quod sint liberi et quieti a tolneto et omni consuetudine per omnes terras nostras.*

(Moreover, we have granted to the said burgesses and their heirs that they shall be free and quit of toll and every custom throughout all our lands.)

CHIPPING CAMPDEN, 1247. (Letters patent of Henry III confirming) *Concessionem quam Ranulfus quondam Comes Cestrie¹ fecit eisdem burgensibus de eo quod ipsi et omnes qui venient ad forum suum de Campden sint quieti de theloneo....*

Et concessionem quod Rogerius de Sumery² fecit predictis burgensibus de eo quod ipsi et eorum heredes, et omnes illi qui venient ad mercatum et feriam de Campden, quieti sint imperpetuum de omnimodo theloneo et consuetudine ad dictum mercatum et predictam feriam pertinentibus, et quod habeant inperpetuum eandem libertatem de theloneo et consuetudine in predictis mercato et feria quam habuerunt tempore predicti comitis.

(The grant which Ranulf, formerly Earl of Chester, made to the same burgesses, that they and all who should come to the market of Campden should be quit of toll....

And the grant which Roger de Sumery made to the aforesaid burgesses that they and their heirs, and all who should come to the market and fair of Campden, should be free for ever from all kind of toll and custom pertaining to the said market and fair, and that they should have for ever the same liberty from toll and custom in the same market and fair as they had in the time of the aforesaid Earl.)

UTTOXETER, 1252. (Wm de Ferrers) [*Concessimus etiam predictis burgensibus, ut predictum est, et omnibus infra communitatem suam*]³ *quod sint in omnibus terris nostris et libertatibus propriis quieti a tolneto ubicumque transierint imperpetuum, salvis aliorum cartis ante istam cartam confectis et usitatis.*

(We have granted also to the aforesaid burgesses, as aforesaid, and to all within their community, that they shall be quit of toll for ever wherever they go in all our lands and in their own liberties, saving the charters⁴ of others made and used before this charter.)

WEYMOUTH, 1252. *Quod omnes burgenses nostri infra metas prescriptas in dicta villa manentes liberi sint et quieti de thelonio in aquis et in terris.*

(That all our burgesses dwelling in the said town within the aforesaid bounds be free and quit of toll in waters and lands.)

¹ Probably Ranulf de Blundeville (1181-1232).

² Died 1272; *Cal. Inquisitionum*, Edw. I, Nos. 16, 813.

³ Reconstructed from the translation by Mosley.

⁴ The translation adds: "and liberties."

LEICESTER, c. 1254. Noverit vniuersitas vestra nos remisisse et quietos clamasse imperpetuum pro nobis et heredibus nostris omnes illos denarios qui aliquo modo nomine pontagii ad pontes nostros Leycestrie exigi et capi solebant, qui vocabantur Briggesiluir et insimul omnes illos denarios qui in villa nostra Leycestrie exigi et capi solebant qui vocabantur gouilpeniis, ita quod nec nos nec heredes nostri nec aliquis nomine nostro decetero de burgensibus nostris Leycestrie uel eorum heredibus seu successoribus uel ab aliquibus aliis de quocunque loco fuerint, nomine predictorum denariorum qui vocabantur Briggesiluir et gouilpeniis aliquid capere uel exigere valeamus, nec quod dicti burgenses vel heredes sui siue successores aliquid ab aliquibus nomine Briggesiluir et gouilpeniis aliquo modo capere possint uel exigere.

(Be it known to you all that we have remised and quitclaimed for ever for us and our heirs all those pence which in any manner under the name of pontage were wont to be exacted and taken at our bridges in Leicester, and were called Bridgesilver, and also all those pence which were wont to be exacted and taken in our town of Leicester and were called Gavelpennies, so that neither we nor our heirs nor any person in our name henceforth shall be able to take or exact anything from our aforesaid burgesses of Leicester and their heirs, nor from any persons from whatever place they may be, in the name of the aforesaid pennies called Bridgesilver and Gavelpennies. And that the said burgesses or their heirs or successors shall not be able to take or exact anything from any persons in any manner under the name of Bridge-silver and Gavelpennies.)

TINTAGEL, 1225-56. Et quieti per totam terram nostram Cornubie de pontagio et stallagio.

(And shall be quit throughout all our land of Cornwall of pontage and stallage.)

BODMIN, 1225-57. (Richard, earl of Cornwall to prior and canons of Bodmin.) Volumus etiam et concedimus quod burgenses sui de Bodmin sint liberi et quieti de omnibus consuetudinibus et exactionibus per totam Cornubiam.

(We will also, and grant that their burgesses of Bodmin shall be free and quit of all customs and exactions throughout the whole of Cornwall.)

DUNSTER, 1254-7. Et quod emptores vel venditores in foro de Dunsterre sint quieti de tholoneto, nisi eorum emptio vel venditio transeat duodecim denariis.

(And that purchasers and vendors in the market of Dunster be quit of toll, unless their purchase or sale exceeds twelve pence.)

Similiter, piscatores et mercatores bladum sint in eodem foro quieti de tholoneto in perpetuum.

(Similarly, fishermen and cornmerchants shall be quit of toll in the same market for ever.)

MACCLESFIELD, 1261. Et quod quieti sint per totam terram Cestersirie, tam per aquam quam per terram, de tolneo, passagio, pontagio, stallagio, lestagio et omnibus aliis consuetudinibus, excepto sale in Wycis.

(And that they be quit throughout the whole of our land of Cheshire, both by water and by land, of toll, passage, pontage, stallage, lestage and all other dues, except salt in the Wyches.)

ALTRINCHAM, c. 1290.

Line 2. *For* Cestersirie *read* meam.

3. *After* aliis *insert* servilibus (corrected from servis).

Omit excepto sale in Wycis.

AGARDSLEY, 1263. Quod liberi et quieti sint de...et passagiis et tolneo per totam terram meam imperpetuum.

(That they shall be free and quit of¹...and of passage and tolls throughout the whole of my land for ever.)

[*TRURO*, 1166. (Reginald, earl of Cornwall.) Et quod quieti sint de theloneo dando per totam Cornubiam in feriis et in foris et ubicunque emerint et vendiderint.

(And that they be quit of giving toll throughout all Cornwall in fairs and markets and wherever they buy and sell.)]

LOSTWITHIEL, 1268. *Add* et etiam de pontagio, passagio, lastagio et stallagio.

CONGLETON, 1272-c. 1274. Et quod pretextu carte concessionis et confirmacionis libertatum burgorum nostrorum quam a domino rege habemus, sint absoluti in perpetuum per omnia loca Cestresirie ac tam per terram quam per aquam, sub defensione et protectione nostra et heredum nostrorum, cum omnibus mercandisis suis de tolneo, stallagio, passagio, pontagio, lestagio, et muragio et omnibus aliis impechiamentis que mercandisas tangunt, nisi de rationabilibus emendis, si transgrediantur.

(And that, by virtue of a charter of grant and confirmation of liberties to our boroughs which we have from our lord the King, they are absolved for ever through all places of Cheshire both by land and by water, under the guard and protection of us and our heirs, with all their merchandise, from toll, stallage, passage, pontage, lestage, and murage, and all other hindrances which concern merchandise, except from reasonable fines, if they transgress.)

LAUNCESTON, 1274. Earl Edmund granted that the men of the prior and convent of Lanceuton and of La Niweport might freely bake and brew in those towns, and might sell and buy bread, wine, ale, flesh, fish and all other victuals needful as well for horses as for men, without market or having claim made for toll, excepting nevertheless to the said prior, etc., their former accustomed fairs and markets and the liberties thereto belonging².

¹ See II B 11.

² For continuation see VI 2.

WELSHPOOL, 1241-c. 1286. Concessi etiam burgensibus eisdem et heredibus suis quod sint quieti de theolonio et theam, de passagio, pontagio per omnes terras meas, de herieto, de relevio, de talliagio, et de omnibus consuetudinibus mihi et heredibus meis pertinentibus.

(I have also granted to the same burgesses and their heirs that they be quit of toll and team, of passage and pontage throughout all my lands, of heriot and relief, of tallage and all customs to me and my heirs appertaining.)

LLANFYLLIN, after 1286.

BAKEWELL, 1286. Et quod quilibet burgensis liber sit a prestacione tholneti.

(And that every burgess shall be free from payment of toll.)

DENBIGH, 1290. Sciatis quod concessimus pro nobis et heredibus nostris dilecto et fideli nostro Henrico de Lasce, comite Lincoln', quod omnes homines sui villam suam de Dinebegh nunc inhabitantes seu inposterum inhabitaturi per omnes terras nostras Wallie et eciam per comitatus nostros Cestr', Staff', Sallop', Glouc', Wygorn' et Heref' de theolonio, stallagio, paiagio, pavagio, muragio, pontagio et passagio imperpetuum sint quieti.

(Know ye that we have granted for us and our heirs to our beloved and faithful Henry de Lacy, earl of Lincoln, that all his men now dwelling in his town of Denbigh, or who shall dwell there hereafter, shall be quit for ever throughout all our lands of Wales, and also our counties of Chester, Stafford, Salop, Gloucester, Worcester and Hereford, of toll, stallage, paige, pavage, murage, pontage and passage.)

NEWPORT (Isle of Wight), 1262-93. Sciant presentes et futuri quod ego Isabella de Fortibus, comitissa Albemarl' et Devon' et domina Insulae, in ligia viduitate et plena potestate mea dedi et concessi...burgensibus meis de Novo Burgo de Medina omnimodam libertatem de theolonio et de omnibus aliis consuetudinibus unde liberi burgenses libertatem habeant, quantum in me pertinet, per totam terram meam in villis, in viis, in terra, in mare, in portu, in nundinis, in mercatis, in vendicionibus, in empicionibus, in burgo et extra burgum, et in omnibus locis et omnibus rebus suis.

(Know all men, present and future, that I, Isabella de Forz, countess of Albemarle and Devon, and lady of the Island, in my loyal widowhood and full power have given and granted to my burgesses of the New Borough of Medina all manner of liberty from toll and all other customs from which free burgesses have freedom, as far as pertains to me, in towns, in ways, on land, on sea, in harbour, in fairs, in markets, in sales, in purchases, in borough and without borough, and in all places and for all their goods.)

CHESTERFIELD, 1294. Et quieti de tollonio et releviis in perpetuum, et de sectis curiarum...Wappentach', et de misis, scotagio omnimodo, et talliagio.

(And that they be quit of toll and relief for ever, and of suits of the courts...¹ wapentake, and of mises² and all manner of scotage, and tallage.)

TENBY, 1265-94. Sciant presentes et futuri quod nos Willelmus de Valencia, dominus Pembrochie, ex assensu et voluntate Johanne uxoris nostre dedimus concessimus et...confirmavimus...dilectis et fidelibus burgensibus nostris de Tenebia quietanciam stallagii, passagii, tollonei, lastagii, muragii, et pontagii ad nos vel heredes nostros vel ad terras nostras pertinencium in perpetuum.

(Know all men, present and future, that we, William de Valence, lord of Pembroke, with the assent and free will of Joan our wife, have given granted and confirmed to our beloved and faithful burgesses of Tenby quittance for ever of stallage, passage, toll, lastage, murage, and pontage pertaining to us or our heirs or our lands.)

DENBIGH, 1282-90. Estre ceo nous avoms graunte a les avaunt-ditz burgeis et a lour heirs et a lour assignez avaunt-ditz qils soyent fraunkes de Tolune et de estalage par totes nos terres de Gales et d'Engleterre.

(We have also granted to the aforesaid burgesses and their heirs and assigns aforesaid that they shall be free of toll and stallage in all our lands in Wales and England.)

SHEFFIELD, 1297. Quod dicti tenentes et eorum heredes tam ementes quam vendentes sint quieti per totum Hallumschire ubicunque ex omni exactione et petitione tolonei, sicut esse solebant tempore antecessorum meorum, imperpetuum.

(That the said tenants and their heirs, as well buyers as sellers, shall everywhere throughout all Hallamshire be quit from all exaction and demand of toll, as they were wont to be in the time of my ancestors, for ever.)

SWANSEA, 1306. Concedimus eciam quod passagium de Sweyn' presto habeatur omnibus et singulis burgensibus predictis et de eorum manupastu existentibus et animalibus eorum ac rebus uniuersis in perpetuum sine naulo conferendo preter communem collectam garbarum quam custos dicti passagii faciet, si voluerit, tempore messionis. Et si aliqui predictorum requisiti garbas soluere recusauerint, soluant naulum, si voluerint transfretare. Et si dictus custos super negligencia conuincatur, pro demeritis suis punietur [immediate?].

(We grant also that Swansea ferry shall be for ever at the service of all and singular the aforesaid burgesses and those of their mainpast and their animals and all their possessions without payment of fare save the common collection of sheaves which the ferryman shall make, if he pleases, in harvest time. And if any of the aforesaid shall refuse to pay sheaves when requested, they shall pay the fare, if they wish to cross. And if the said ferryman is convicted of negligence he shall [at once?] be punished for his faults.)

¹ Erasure between "cur'" and "wapentach'."

² Local taxation.

(9) Prohibition of Illegal or Wrongly Levied Toll

GLASGOW, 1226. Sciant presentes et futuri nos concessisse...Deo et ecclesie Sancti Kentegerni de Glasgu et Waltero, episcopo ejusdem loci, et successoribus suis episcopis, ne prepositi vel ballivi vel servientes nostri de Rutherglen tolneum aut consuetudinem capiant in villa de Glasgu, set illa capiant ad Crucem de Schedenestun sicut illa antiquitus capi solebant.

(Know all men, present and future, that we have granted to God and St Kentegern of Glasgow, and to Walter, bishop of the same place and his successors being bishops, that no provost or baillie or serjeant of ours of Rutherglen shall take toll or custom in the town of Glasgow, but shall take them at the cross of Shettleston as they were of old wont to be taken.)

(10) Retaliation

[LONDON, 1155¹. Et si quis in tota Anglia theloneum vel consuetudinem ab hominibus Londoniarum ceperit, postquam ipse a recto defecerit, vicecomes Londoniarum namium inde apud Londonias capiat.

(And if any in the whole of England take toll or custom from the men of London, after he has failed to redress, the sheriff of London shall take distress therefor at London.)]

LONDON, 1227 (d).

Line 1. *For* in tota Anglia *read* in aliqua terrarum nostrarum citra mare vel ultra sive in portubus maris citra mare vel ultra (as 1199).
Before consuetudinem *insert* aliquam aliam (as 1199).

3. *For* vicecomes *read* vicecornites.

LONDON, 1268². As 1227.

Line 1. *Before* theloneum *insert* contra hanc concessionem.

2. *After* ceperit *insert* excepta prisā predicta.

MELCOMBE [REGIS], 1280. As London, 1268.

LYME [REGIS], 1285. As Melcombe.

NOVA VILLA, 1286. Do.

LINCOLN, 1227³. As London, 1155, *reading* prepositus.

ROCHESTER, 1227. Do. *reading* prepositi.

WARENMOUTH, 1247. As London, 1155 (revised for Winchester, 1190⁴).

Line 1. *For* Anglia *read* terra nostra.

2. *After* hominibus de W. *read* de gilda mercatoria.

3. *For* vicecomes Londoniarum *read* vicecomes Norhumbr' vel prepositus de Warnemuth.

[BRISTOL, 1188⁵. Et si aliquis alicubi in terra mea ceperit theloneum de hominibus Bristalli, si non reddiderit postquam requisitus fuerit reddere, prepositus Bristalli capiat inde namium apud Bristallum et distringat reddere.

¹ Vol. I, p. 195. Quoted *B.C.* I, 120.

² Cf. Lynn, 1268, in VII 2.

⁴ Vol. I, p. 196.

³ Cf. vol. I, p. 195 n.

⁵ *Ibid.*

(And if any person anywhere in my land take toll from the men of Bristol, if he does not return it when asked to return, the reeve of Bristol shall take distress therefor at Bristol and distrain him to return it.)]

BRISTOL, 1252.

Line 1. *Omit mea and insert injuste.*

2. *For si read et. For Bristalli read Bristolliae.*

3. *For inde read pro eo.*

WATERFORD, 1232. As Dublin, 1200.

Line 1. *After terra add vel potestate.*

Lines 2, 3. *For Bristalli, etc. read civitatis.*

CORK, 1242. As Waterford.

LIMERICK, 1292.

Line 2. *For si read et illud.*

Line 3. *After inde insert in.*

DROGHEDA (Meath), 1247. Quod si aliquis in terra vel potestate nostra a dictis burgensibus theolonium vel consuetudinem injuste ceperit, et postquam requisitus fuerit quod sic iniuste cepit non restituerit, tunc liceat eisdem burgensibus vel prepositis inde namium capere infra predictum burgum.

(That if any person in our land or realm unjustly take toll or custom from the said burgesses, and after he has been asked, will not return what he has thus unjustly taken, then it shall be lawful for the same burgesses or reeves to take distress therefor within the borough aforesaid.)

[KILKENNY, 1202-10¹. Si forte contigerit quod theloneum captum fuerit de aliquo burgensi in terra mea vel potestate, si ille qui ceperit reddere requisitus fuerit et contradixerit, per namia ejusdem loci unde ipse est, si inventa fuerint apud Kylkenn', reddere distringatur

(If by chance it should happen that toll should be taken of any burgess in my land or dominion, and if the taker be asked to return it, and refuse to do so, he shall be distrained to repay it by distress from the place to which he belongs, if such can be found at Kilkenny.)]

CARLOW, 1223.

Line 2. *For ille qui read quis.*

4. *For distringatur read distringantur.*

MOONE, 1223.

NEW ROSS, c. 1279. As Kilkenny.

Line 4. *For distringatur read distringantur.*

ROSBERCON, 1289-95. As New Ross.

(11) Reservation of Toll

HARTLEPOOL, 1230. Salvis nobis et successoribus nostris rectis consuetudinibus nobis debitis et consuetis in omnibus.

(Saving to us and our successors the right customs due to us and accustomed in all things.)

¹ Vol. I, p. 196.

POOLE, c. 1248. Salvis mihi et heredibus meis de singulis navibus ad partes transmarinas peregrinos transferentibus duobus solidis.

(Saving to me and my heirs two shillings from every ship carrying pilgrims to parts across the sea.)

POOLE, c. 1248. Salvo tamen mihi et heredibus meis, de singulis vasis alienigenarum blada venalia apportantibus, per conductionem modii curie mee de Kanford eisdem ad mensurandum bladum suum comodati, uno busello bladi.

(Saving nevertheless to me and my heirs, from every ship belonging to aliens laden with corn for sale, one bushel of corn for the hire of the measure of our court of Canford lent to them for measuring their corn.)

CLITHEROE, 1272-91. Excepto quocunque thelonio quod ad opus nostrum et heredum nostrorum retinuimus.

(Except the toll of every kind, which we have retained for the use of ourselves and our heirs.)

(12) Liberty of Access to Markets and Fairs

[*AYR, 1202-7*¹. Mando itaque et firmiter precipio ut omnes homines qui cum merchaturis suis ad vendendum et emendum ad illum predictum burgum meum venerint, firmam pacem meam habeant et forum exercent et in bene et pace (*sic*) redeant.

(I command therefore and firmly ordain that all men who with their merchandise shall come to that my aforesaid burgh to sell or buy, shall have my firm peace and shall make use of the market, and shall return well and in peace.)]

DUMBARTON, 1221.

Line 1. *For Mando...precipio read* Precipio eciam.

2. *For merchaturis read* mercansis.

4. *Add* Salvis rectitudinibus predicti burgi mei.

[*ABERDEEN, 1214*². Meamque firmam pacem dedi juste omnibus probis hominibus qui ad forum illud venient. Et prohibeo ne quis eis in veniendo ad forum vel in redeundo injuriam vel molestiam aut gravamen injuste inferat, super meam plenariam forisfacturam.

(And I have justly given my firm peace to all upright men who shall come to that market. And I forbid any unjustly to do any injury or annoyance or hurt to them either in coming to the market or returning, under pain of my full forfeiture.)

STIRLING, 1226.

Line 2. *For eis read* illis qui ad predictum forum venient.

MONTGOMERY, 1227. Volumus insuper quod omnes mercatores terrarum nostrarum et mercatores aliarum terrarum qui sunt ad pacem nostram et eorum mercandisae, ad predictum burgum venientes et

¹ Vol. I, p. 199.

² *Ibid.*

ibidem morantes et inde recedentes, habeant libertatem venire, stare et recedere, tam per aquas quam per terram, et quod habeant liberos introitus in terram nostram et liberos exitus¹ a terra nostra sine omni impedimento ballivorum nostrorum et aliorum, faciendo debitas et rectas consuetudines.

(We will moreover that all merchants of our own lands and merchants of other lands who are at peace with us and their merchandise, coming to the aforesaid borough and there sojourning and thence departing, shall have liberty of coming, staying and departing, both by water and by land, and that they shall have free entrances into our land, and free exits from our land without any hindrance on the part of our bailiffs and those of other persons, on paying their wonted and right dues.)

SALISBURY (NEW), 1227.

DEGANWY, 1252.

ABERYSTWYTH, 1277.

MONTGOMERY, 1228-9. Quod omnes mercatores...et secure veniant ad predictam villam de Mungumery cum rebus et mercandis suis, faciendo rectas et usitatas consuetudines et sint sub protectione nostra et heredum nostrorum in veniendo, morando, et redeundo.

(That all merchants...and shall come safely to the aforesaid town of Montgomery with their goods and merchandise, doing the right and usual customs and shall be under our protection and that of our heirs in coming, tarrying and returning.)

[LYNN, 1204². Et quicunque mercatores petierint burgum illum cum mercatu suo, de quocunque loco sint, sive extranei sive alii qui de pace nostra fuerint vel de licentia nostra in terram nostram venerint, veniant, morentur et recedant in salva pace mea, reddendo rectas consuetudines illius burgi.

(And whatever merchants shall seek that borough with their merchandise, of whatever place they may be, whether strangers or others who are of our peace or have come into our land by our license, they may come, sojourn and depart in my safe peace, on paying the due customs of that borough.)]

LIVERPOOL, 1229.

Line 4. *For* veniant...*mea read* salvo et secure ad predictum burgum veniant cum mercandis suis et salvo inde recedant.

For reddendo *read* faciendo.

After rectas *insert* et debitas.

WIGAN, 1246. As Liverpool.

WARENMOUTH, 1247. (As Winchester, 1215, vol. 1, p. 197.)

Line 1. *Read* quicunque adierint.

2. *For* mercatu *read* mercandisa.

Omit qui...venerint.

4. *After* rectas *insert* debitas.

5. *Omit* illius burgi *and add* et prohibemus ne quis super hoc eis faciat impedimentum.

BERWICK-ON-TWEED, 1302. As Liverpool (Lynn) omitting the first and third variants in line 4.

¹ For intoll and outtoll at Durham, see vol. 1, p. 192.

² Vol. 1, p. 197.

DROGHEDA (Meath), 1247. Et quod nullus impediatur aliquod genus mercandise que ad predictum burgum venire voluerit, nec per mare, nec per terram, sed in pace veniat et redeat sine aliquo impedimento.

(And that no one hinder any kind of merchandise which wishes to come to the aforesaid borough, neither by land nor by sea, but it shall come and return in peace without any hindrance.)

DROGHEDA (Louth), 1253.

Line 2. *For* que...voluerit *read* quod aliquis mercator ad predictum burgum ducere voluerit.

3. *After* redeat *insert* libere et.

SCARBOROUGH, 1253 (b).

Line 2. As Drogheda (Louth).

3. *For* et redeat *read* moretur et recedat libere et.

GLASGOW, 1243. Concessimus etiam...omnibus venientibus ad nundinas et forum de Glasgu et inde recedentibus firmam pacem et protectionem nostram, firmiter prohibentes ne quis ad dictas nundinas et forum de Glasgu venientibus et inde recedentibus malum, injuriam, molestiam inferat aut gravamen, contra hanc concessionem nostram, quominus ad dictas nundinas libere et ad forum de Glasgu cum voluerint venire et inde recedere possint sine alicujus ballivi impedimento, super nostrum plenarium mercamentum¹ decem librarum.

(We have also granted...our firm peace and protection to all coming to the fair and market of Glasgow and returning thence, straitly forbidding every one from inflicting any evil, injury, harm or trouble on those who are going to the said fair and market or returning thence, against this our grant, whereby they may be hindered from coming to the said fair and market of Glasgow freely when they wish and returning thence, without hindrance from any baillie of ours, under penalty of our full amercement of £10.)

GLASGOW, 1275. (Abstract.) Charter granted be king Alexander (the Third)...which beirs the said king Alexander to direct his charter to the Shirreff, baillies and proveists of Dumbartan, and to say to them theirby that they know full weill how his majestie had granted to the bishop of Glasgow that his men of Glasgow might goe to and return from Argyle with their merchandize frielie and without any impediment, and becaus the same wes granted by his majestie to the said bishop before the foundation of the burgh of Dumbarton, commanding theirfor that if they had taken ony thing from the said bishop, his men, that without delay they would make restitutione, and that non should vex or trouble them against this concession, upon his majesties heighest displeasure.

¹ Corrected from "mercimoniam."

LANARK, 1285. Et quod omnes qui ligna aut meremium attrahunt ad dictum nostrum burgum de Lanark sustendandum nostram firmam pacem habeant.

(And that all who bring beams or timber for the support of our burgh of Lanark shall have our firm peace.)

"SKYNBURGH," 1301. Et concessimus eidem abbati et conventui quod omnes mercatores tam terrarumstrarum quam mercatores alienigene, dumtamen de amicitia nostra et ad pacem nostram existant, ad predictum burgum cum rebus et mercandis suis per terram vel per aquam venire volentes, libere ibidem tam per terram quam per aquam venire et ibidem morari et de mercandis suis predictis negotiare et exinde redire possint sine impedimento, dumtamen legales mercandisas exerceant et inde faciant consuetudines debitas et consuetas in regno nostro.

(And we have granted to the said abbot and convent that all merchants both from our lands and aliens, so long as they are in friendship and peace with Us, who wish to come to the aforesaid borough with their goods and wares by land or by water, may freely come there by land or by water and remain there and do business with their aforesaid wares and return thence without hindrance, provided that they exercise lawful trades and pay therefor the customs due and wonted in our realm.)

KIRKBY JOHANNIS, 1305.

(13) Free Navigation of Rivers

LONDON, 1227 (a)¹. Noverit universitas vestra nos pro salute animae nostrae et pro salute animae Johannis regis, patris nostri, et animarum antecessorum nostrorum, necnon et pro communi utilitate civitatis nostrae Londoniae, et totius regni nostri, concessisse et firmiter precepisse quod omnes kidelli qui sunt in Thamisia vel in Medeweie amoveantur, ubicunque fuerint in Thamisia vel in Medeweie, super forisfacturam x librarum sterlingorum, et ne decetero kidelli alicubi ponantur in Thamisia vel in Medeweie; quietum etiam clamavimus omne id quod custodes turris nostrae Londoniae annuatim percipere solebant de predictis kidellis.

Quare volumus et firmiter precipimus ne aliquis custos prefatae turris aliquo tempore post hoc aliquid exigit ab aliquo, nec aliquam demandam aut gravamen vel molestiam alicui inferat ratione predictorum kidellorum.

Satis enim nobis constat et per fideles nostros sufficienter datum est intelligi quod maximum detrimentum et incommodum predictae civitati nostrae Londoniae, necnon et toto regno nostro, occasione kidellorum illorum proveniebat.

¹ Cf. vol. I, pp. 200-1.

(Know ye that, for the salvation of our soul, and for the salvation of the soul of King Henry our father, and of the souls of our ancestors, and also for the common utility of our city of London and of our whole realm, we have granted and firmly enjoined that all weirs which are on the Thames or the Medway be removed, wherever they are, and that henceforth no weirs be placed anywhere on the Thames or the Medway: we have also quit-claimed all that the wardens of our tower of London were wont annually to receive from the aforesaid weirs¹.

Wherefore we will and firmly enjoin that no warden of our aforesaid tower shall at any time after this exact anything from anyone, nor make any demand or hurt or disturbance on anyone on account of the aforesaid weirs.

For we are well satisfied, and by our lieges we have been given to understand that the greatest loss and inconvenience is caused to our city of London and also to our whole realm on account of these weirs.)

(14) Interference with Market²

CINQUE PORTS, 1278. Et prohibemus ne quis eos iniuste disturbet neque mercatum eorum super forisfacturam nostram decem librarum.

(And we forbid any to disturb them or their market unjustly, on pain of forfeiting £10.)

FAVERSHAM, 1302.

(15) Stalls in Markets and Fairs

CHESTERFIELD, 1226-7. (Fine.) Preterea dictus Willelmus Briwerr et heredes sui concesserunt quod predicti burgenses et heredes sui habeant et teneant celdas in foro quas³ de cetero tenere voluerint: reddendo per annum pro qualibet celda sex denarios, excepto tamen quod dictus Willielmus Briwerr et heredes sui habebunt omnes celdas in tempore nundinarum ad opus suum singulis annis.

(Moreover, the said William Brewer and his heirs have granted that the aforesaid burgesses and their heirs shall have and hold the stalls in the market place which they for the future wish to hold, rendering yearly for each stall 6d., except that the said William Brewer and his heirs shall have all the stalls at the time of the fairs every year for his own use.)

CHESTERFIELD, 1294. Et burgenses assidebunt et figere facient seldas suas ubi voluerint in feria⁴ sine licentia mea et heredum meorum vel ballivorum nostrorum sicut ab antiquo facere consueverunt, sine aliquo dono. Et ego Johannes et heredes mei habebimus omnes seldas eorum quas tenent de me et heredibus meis tempore nundinarum, si voluerimus.

¹ For other perquisites of the constables of the Tower see *C.C.R.* 1381-5, p. 178 (T.).

² See also V A 2 (Stirling, 1226).

³ "Qui" MS.

⁴ *Sic* for "foro."

(And the burgesses shall assess their stalls and cause them to be fixed where they will in the market without the license of myself and my heirs or our bailiffs, as they were wont to do of old, without any fee. And I John and my heirs shall have all the stalls which they hold of me and my heirs at the time of the fairs, if we wish.)

MANCHESTER, 1301. Prepositus debet tradere cuilibet burgensi et tensariis seudas suas in foro, et prepositus debet inde recipere unum denarium ad opus predicti domini.

Si burgensis vel tensarius voluerit stare in seudis mercatorum ipse debet pacare predicto domino quantumcunque extraneus, et si stet in propria seuda, tunc nil daturus est predicto domino.

(The reeve ought to deliver to each burgess and to the tensors their stalls in the market place, and the reeve should receive therefrom one penny to the use of the lord aforesaid.

If a burgess or a tensor stand in the stalls of the merchants he ought to pay to the lord aforesaid as much as a stranger, and if he stand in his own stall, he ought to pay nothing to the lord aforesaid.)

(16) Free incoming and outgoing for Burgesses and their Goods

PLYMPTON, 1242. Concessimus insuper dictis burgensibus et heredibus suis liberum introitum in burgo et liberum exitum a burgo.

(Moreover, we have granted to the said burgesses and their heirs free entrance into the borough and free exit from the borough.)

SOUTHAMPTON, 1252. (Abstract.) The barons of the Cinque Ports to discontinue forcibly taking cargoes on their ships from men of Southampton and Portsmouth wishing to cross to their port of Portsmouth, which they hold from the king to farm, and making attachments without permission of the bailiffs of the same port.

(17) Foreign Merchants' Goods to be weighed by the King's Scales

LONDON, 1268. Et quod nullus mercator extraneus vel alius vendat vel emat aliquod averium quod ponderari debet vel tronari nisi per stateram vel tronam sub forisfactura averii predicti.

(And that no foreign merchant or other sell or buy any goods which ought to be weighed, unless they have first been weighed by our scales or beam¹, on pain of forfeiture of the aforesaid goods.)

MELCOMBE [REGIS], 1280.

LYME [REGIS], 1285.

NOVA VILLA, 1286.

BERWICK-ON-TWEED, 1302.

¹ For heavy weights.

(18) Site of Markets and Fairs¹

WYCOMBE, 1226. (Fine.) Sciendum etiam quod feria de averiis remanebit singulis annis in campo ipsius Alani et sicut prius esse solebat, salvis eisdem burgensibus et heredibus ipsorum consuetudinibus inde provenientibus.

(Be it also known that the fair of cattle shall remain every year in the field of the said Alan, and as it was formerly wont to be, saving to the said burgesses and their heirs the customs thence arising.)

READING, 1254. (Fine.) Quod predictus abbas concessit pro se et successoribus suis et ecclesia sua de Rading' predictis burgensibus et eorum heredibus quod mercatum bladi in villa de Rading' sit in loco illo in perpetuum ubi prius esse solebat et quod omnia alia vendantur in locis illis in quibus prius vendi consueverunt.

(That the aforesaid abbot, for himself and his successors and for his church of Reading, granted to the aforesaid burgesses and their heirs, that the corn market in the town of Reading shall for ever be in that place where it was formerly wont to be, and that all other goods be sold in those places where they were formerly wont to be sold.)

¹ Cf. Morpeth, 1239-66 (above, p. 247).

V. MERCANTILE PRIVILEGES

B. GUILDS AND TRADING

(1) Merchant Guild

STIRLING, 1226¹. Concedimus etiam eisdem burgensibus nostris de Strivelyn ut habeant gildam suam mercatoriam, exceptis fullonibus et telariis.

(We grant also to our said burgesses of Stirling that they may have their merchant guild, except the fullers and weavers.)

HEREFORD, 1227². Quod habeant gildam mercatoriam cum hansa et aliis consuetudinibus et libertatibus ad gildam illam pertinentibus.

(That they may have a merchant guild with hanse and other customs and liberties belonging to that guild.)

BRIDGENORTH, 1227 (b).

MONTGOMERY, 1227.

ROCHESTER, 1227.

SHREWSBURY, 1227 (a).

WORCESTER, 1227.

LIVERPOOL, 1229.

DROGHEDA (Louth), 1229.

Line 2. *Before* consuetudinibus *insert* liberis.

DROGHEDA (Meath), 1247. As Drogheda (Louth).

WIGAN, 1246. As Liverpool.

Line 2. *For* aliis *read* omnibus.

DEGANWY, 1252. As Montgomery.

BRECON, 1277-82.

Line 1. *Before* habeant *insert* libere.

2. *Before* aliis *insert* omnibus.

ABERYSTWYTH, 1277. As Montgomery.

BUILTH, 1278. As Hereford.

RHUDDLAN, 1278. Do.

CONWAY, 1284. Do.

Line 1. *After* quod *insert* ipsi.

CARNARVON, 1284. As Conway.

CRICCIETH, 1284. Do.

HARLECH, 1284. Do.

BERE, 1284. Do.

FLINT, 1284. Do.

RHUDDLAN, 1284. Do.

OVERTON, 1292. Do.

BEAUMARIS, 1296. Do.

CAERWYS, 1290. Do.

Line 2. *For* aliis...end *read* omnibus libertatibus et liberis consuetudinibus ad liberum burgum pertinentibus.

¹ Cf. Perth, 1165-1214 (vol. 1, p. 205).

² Cf. vol. 1, p. 207.

NEWBOROUGH (Anglesey), 1303. As Caerwys.

Line 2. *Add quales videlicet habent liberi burgenses nostri de Rothelan in burgo suo.*

BERWICK-ON-TWEED, 1302. As Hereford.

HAVERFORDWEST, 1219-29. Universitati vestre duximus significandum quod nos dilectis et fidelibus burgensibus Haverford concessimus quod habeant gildam mercatoriam ad commodum eorum et ville sue.

(We have thought fit that it should be notified to you all that we have granted to our beloved and faithful burgesses of Haverford(west) that they may have a merchant guild for the advantage of themselves and of their town.)

[*KILKENNY*, 1202-10¹. Liceat burgensibus meis gyldam mercatoriam et alias gildas habere et suos scotenos, cum omni libertate ad ipsos spectante, sicut consuetudo est aliarum bonarum villarum.

(It shall be lawful for my burgesses to have a merchant guild and other guilds, and their scot-payers, with every liberty relating to them, as is the custom of other good towns.)]

CARLOW, 1223.

MOONE, 1223.

NEW ROSS, c. 1279.

ROSBERCON, 1289-95.

HARTLEPOOL, 1230. Quod dicti burgenses habeant libertatem de maiore habendo et gilda mercatoria, sicut alii burgenses habent melius et honorabilius in burgis domini regis in Anglia.

(That the burgesses shall have liberty to have a mayor, and a merchant guild, as other burgesses best and most honourably have in the boroughs of our lord the king in England.)

[*DUBLIN*, 1200². Et quod habeant omnes rationabiles gildas suas sicut burgenses de Bristoll habent vel melius habere consueverunt.

(And that they shall have all their reasonable guilds as the burgesses of Bristol have them or have been best wont to have them.)]

WATERFORD, 1232.

CORK, 1242.

LIMERICK, 1292.

ELGIN, 1234. Sciatis nos concessisse...burgensibus nostris de Elgyn ut ipsi ad melioracionem burgi nostri de Elgyn habeant in eodem burgo gildam suam mercatricem adeo liberam sicut aliquis burgorum nostrorum in toto regno nostro gildam suam habeat liberiores.

(Know ye that we have granted to our burgesses of Elgin, that, for the improvement of our burgh of Elgin, they may have their merchant guild in the same burgh as free as any of our burghs in all our kingdom has its guild.)

¹ Vol. I, p. 207.

² Vol. I, p. 206.

NEWCASTLE-UNDER-LYME, 1235. Et quod burgenses ejusdem ville habeant gildam mercatoriam in eodem burgo cum omnibus libertatibus et liberis consuetudinibus ad huiusmodi gildam pertinentibus.

(And that the burgesses of the same town have a merchant guild in the same town with all liberties and free customs to a guild of this kind belonging.)

MACCLESFIELD, 1261.

Line 1. *After burgenses insert nostri.*

CONGLETON, 1272-c. 1274.

Line 1. *After burgenses insert nostri.*

2. *After habeant insert pro libito suo in perpetuum.*

Omit in eodem burgo.

ALTRINCHAM, c. 1290.

Line 1. *After burgenses insert mei.*

3. *Add secundum consuetudines burgi de Macclesfield.*

CHESTER, 1233-7¹. Item, concessi et...confirmavi dictis civibus meis Cestrie gildam suam mercalem, habendam et tenendam adeo libere quiete et honorifice sicut eam habuerunt in tempore avunculi mei domini Ranulfi comitis Cestrie et Lincolnie.

(Item, I have granted and confirmed to my citizens of Chester their merchant guild to be had and holden as freely, quietly and honourably as they held it in the time of my uncle, lord Ranulf, earl of Chester and Lincoln.)

HELSTON, 1225-40. Quod burgenses nostri in eadem villa habeant gildam mercatoriam.

(And that our burgesses in the said town have a merchant guild.)

HELSTON, 1260. *For in...villa read de eodem burgo.*

LISKEARD, 1240.

LOSTWITHIEL, 1268. As Helston, 1260. *For de eodem burgo read ibidem.*

WARENMOUTH, 1247. Concessimus etiam eis gildam mercatoriam. (As Newcastle-upon-Tyne, 1216².)

(We have also granted to them a guild merchant.)

CARDIGAN, 1249. Sciatis quod concessimus hominibus nostris de Kardigan quod in villa sua de Kardigan sit gilda mercatorum sicut in villa nostra de Bristoll'.

(Know ye that we have granted to our men of Cardigan that in their town of Cardigan there shall be a guild of merchants as there is in our town of Bristol.)

SCARBOROUGH, 1253 (c). Concedimus etiam et confirmavimus eisdem burgensibus omnes libertates, leges et consuetudines suas, et nominatim gildam suam mercatoriam et hansas suas in Anglia et Normannia, et lastagia sua per totam costam maris quietia; et quod predictas leges et consuetudines habeant et teneant cum omnibus libertatibus predictae gilde sue et hansis suis pertinentibus.

(We grant also and confirm to the said burgesses all their liberties, laws and customs and especially their guild merchant and their hanses in England and

¹ Cf. vol. I, p. 206.

² *Ib.* p. 207.

Normandy, and their lastages quit along the whole sea-coast; and that they shall have and hold the aforesaid laws and customs with all the liberties pertaining to their aforesaid guild and their hanses.)

READING, 1254. (Fine.) Et quod habeant gildam suam mercandam cum omnibus pertinentiis suis in perpetuum. Et pro hac concessione, fine et concordia predicti burgenses concesserunt...quod predictus abbas et successores sui de cetero assumant unum burgensem de predictis burgensibus qui sint in gilda mercanda et de quo predicti burgenses sint contenti, qui sit custos gilde mercande et qui faciat sacramentum tam dictis abbati quam burgensibus ad omnia que ad gildam mercandam pertinent fideliter observanda: et quod de anno in annum amovebitur, et tunc loco illius substituatur secundum quod predictum est. Concesserunt etiam predicti burgenses pro se et heredibus ipsorum quod predictus abbas et successores sui habeant de cetero de filio cujuslibet burgensis legitime nato iiii solidos ad introitum gilde mercande, et de quolibet homine forinseco medietatem finis quem facere poterit cum predicto custode per visum unius monachi dicti abbatis et successorum suorum ad hoc testificandum assignati, ita quod si finis ille testificetur per sex legales homines dicte gilde quod finis ille sit rationabilis dictus monachus non poterit illum finem refutare. Et preterea dicti burgenses concesserunt...quod predictus abbas et successores sui de cetero habeant singulis annis ad festum Sancti Petri ad Vincula v denarios de quolibet burgense in gilda mercanda nomine cheping gavel.

(And that they shall have their merchant guild with all its appurtenances for ever. And for this grant, fine and agreement the aforesaid burgesses have granted...that the aforesaid abbot and his successors shall henceforth choose one of the aforesaid burgesses who are in the merchant guild, and with whom the aforesaid burgesses are content, to be warden of the merchant guild, who shall make oath as well to the said abbot as to the burgesses for his faithful observance of all things pertaining to the said merchant guild; and that he shall be removed from year to year, and then another shall be substituted according to what is aforesaid. The aforesaid burgesses have also granted for themselves and their heirs that the aforesaid abbot and his successors shall from henceforth have from every legitimate son of every burgess 4s. on his entrance to the merchant guild, and from every foreigner one half of the fine which he can make with the aforesaid warden, under the supervision of a monk assigned by the said abbot and his successors to witness this, provided that if it be testified by six lawful men of the said guild that that fine be reasonable, the said monk shall not be able to refute it. And moreover the aforesaid burgesses have granted that the aforesaid abbot and his successors shall henceforth have from every burgess in the merchant guild 5d. every year at the Feast of St Peter ad Vincula under the name of Cheping gavel.)

BODMIN, 1225-56. Et habeant gildam mercandam liberam, sicut habent et habere solent, pro redditu quadraginta solidorum et quadraginta denariorum quod annuatim reddent attornato nostro.

(And they shall have a free merchant guild, as they now have and were wont to have, for the rent of 40s. and 40d. which they shall pay yearly to our attorney.)

ORFORD, 1256 (b). Et quod habeant imperpetuum gildam mercatoriam cum omnibus ad hujusmodi gildam pertinentibus.

(And that they shall have a merchant guild for ever, with all things pertaining to such a guild.)

COVENTRY, 1267. (To prior of Coventry.) Et quod homines dictorum prioris et monachorum de Coventre habeant in eadem villa gildam mercatoriam cum omnibus libertatibus et liberis consuetudinibus ad huiusmodi gildam pertinentibus.

(And that the men of the said prior and monks of Coventry shall have a merchant guild in the same town with all the liberties and free customs pertaining to a guild of this kind.)

KINGSTON-ON-THAMES, 1256 (c). Quod habeant gildam suam mercatoriam in villa sua sicut eam prius habuerunt et sicut homines nostri de Guldeford habent, et quod ea utantur unacum aliis libertatibus et justis legibus et consuetudinibus suis quas habent in villa sua predicta sicut hucusque usi sunt tempore nostro et temporibus predecessorum nostrorum, regum Anglie.

(That they may have their merchant guild in their town as they had it before and as our men of Guildford have it, and that they may enjoy it along with their other liberties and just laws and customs which they have in their said town as they have enjoyed them until now in our time and the times of our predecessors, kings of England.)

PORTSMOUTH, 1256. Ipsi et eorum heredes habeant gildam mercatoriam in predicta villa de Portsmouth cum omnibus libertatibus ad huiusmodi gildam pertinentibus.

(They and their heirs shall have a merchant guild in the said town of Portsmouth with all liberties belonging to a guild of this kind.)

WINDSOR, 1277. Et gildam mercatoriam habeant.

(And have a merchant guild.)

LYME [REGIS], 1284. Ita quod gildam habeant mercatoriam cum omnibus ad hujusmodi gildam spectantibus in predicto burgo.

(So that they may have a merchant guild with all things relating to a guild of this kind in the aforesaid borough.)

WELSHPOOL, 1241-c. 1286. Quod predicti burgenses gildam habeant mercandizandi cum hamso (*sic*) et cum assisa panis ac cervisie et cum omnibus libertatibus ad dictam gildam spectantibus.

(That the aforesaid burgesses have a merchant guild with hanse and with the assize of bread and beer, and with all the liberties to the said guild pertaining.)

LLANFYLLIN, after 1286.

CHESTERFIELD, 1294. Et burgenses habebunt gildam suam mercatoriam cum omnibus rebus dictam gildam tangentibus.

(And the burgesses shall have their merchant guild with all matters touching the said guild.)

KIRKHAM, 1296. [Et habeant] liberam gildam in eodem burgo cum libertatibus quae ad liberum burgum et liberam gildam pertinent [sicut melius] et liberius continetur in carta quam nos de domino rege habemus.

(And they shall have a free guild in the same borough, with the liberties which pertain to a free borough and free guild as is better and more freely contained in the charter which we have from our lord the king.)

LYNN, 1305. (Grant to the burgesses, in consideration of their expenses on behalf of the king and for a fine.) Quod ipsi et eorum heredes ac successores, burgenses ville predictae, in perpetuum habeant gildam suam mercatoriam cum omnibus terris et edificiis ad gildam illam pertinentibus, saluis capitalibus dominis serviciis inde debitis et consuetis¹.

(That they and their heirs and successors, burgesses of the said town, shall have for ever their merchant guild with all lands and buildings belonging to that guild, saving to the chief lords the services due and accustomed therefrom.)

(2) Craft Guilds

NORWICH, 1256. Et quod nulla gilda de cetero teneatur in civitate predicta ad detrimentum ejusdem civitatis.

(And that no guild be holden henceforth in the city aforesaid to the damage of the said city.)

NORWICH, 1285.

OXFORD WEAVERS, 1275. Cum celebris memorie dominus Johannes quondam rex Anglie avus noster per cartam suam quam inspeximus concessisset thelariis de Oxon. gildam suam et omnes libertates et consuetudines suas quas habuerunt tempore Henrici regis aui predicti regis Johannis et tempore patris sui, ita quod singulis annis eidem regi Johanni inde donarent unam marcam auri et quod nemo operaretur de misterio eorum infra quinque leucas circa burgum Oxon. et sicut hanc consuetudinem solebant habere tempore Henrici regis aui predicti regis Johannis et tempore patris sui, Et eo tempore quo promissionem dicte marce auri fecerant thelarii predicti erant numero sexaginta et plures in villa predicta qui iam ad tantam inopiam devenerunt quod vix sunt numero quindecim, Ita quod de firma predictae marce auri annue multo tempore non responderunt nec habent hiis diebus unde inde respondeant, Nos ipsorum egestati pie compacientes perdonamus eis redditum dicte marce auri annue ac omnia arreragia eiusdem de gracia nostra speciali et eis concessimus

¹ For the original grant of the guild by John, see vol. 1, p. 207.

quod reddant nobis de cetero per annum per manus maioris et balliuorum nostrorum Oxon. qui pro tempore fuerint quadraginta et duos solidos, videlicet unam medietatem ad festum S. Michaelis et aliam medietatem ad festum Pasche quamdiu nobis placuerit, eodem modo et eadem occasione quibus predictam marcam auri nobis reddere consueverunt.

(Whereas our lord John, of blessed memory, formerly king of England, our grandfather, by his charter, which we have inspected, granted to the weavers of Oxford their guild and all their liberties and customs which they had in the time of king Henry the grandfather of the aforesaid king John, and in the time of his father, on the condition that they should give one mark of gold every year to the same king John, and that no one should work at their craft within five leagues around the borough of Oxford, in the same manner as they were wont to have this custom in the time of king Henry the grandfather of the aforesaid king John, and in the time of his father, And whereas at the time at which they undertook the payment of the said mark of gold the aforesaid weavers were sixty and more in number in the said town, but now they are come to such poverty that they are scarcely fifteen in number, so that for the rent of the aforesaid mark of gold annually they have not answered for some time, nor have they in these days the wherewithal to answer, We piously pitying their poverty have pardoned to them the rent of the said mark of gold and all its arrears of our special favour, and have granted to them that they shall henceforth pay us every year by the hands of our mayor and bailiffs of Oxford for the time being forty-two shillings, to wit one moiety at Michaelmas, and the other moiety at Easter, during our pleasure, in the same manner and at the same time as they were wont to pay us the aforesaid mark of gold¹.)

(3) Monopoly of Trade to Guild

HEREFORD, 1227². Et quod nullus qui non sit de gilda illa aliquam mercandisam faciet in civitate vel suburbio nisi de voluntate eorundem civium.

(And that no one who is not of that guild shall do any trade in the city or suburbs except with the consent of the said citizens.)

BRIDGENORTH, 1227 (b).

Line 2. *For in...suburbio read in predicto burgo infra muros vel extra.*

MONTGOMERY, 1227. As Hereford.

SHREWSBURY, 1227. Do.

WORCESTER, 1227. Do.

LIVERPOOL, 1229. Do.

DROGHEDA (Louth), 1229. Do.

DROGHEDA (Meath), 1247. Do.

OXFORD, 1229.

Line 2. *For civitate read burgo.*

Omit nisi...end.

WIGAN, 1246. As Liverpool.

DEGANWY, 1252. As Montgomery.

BRECON, 1277-82.

Line 2. *For suburbio read suburbiis vel in predicta villa de Luwell.*

¹ For the *inspeximus* in 1260 of the charter of 1175 to the Cordwainers' Guild, see I 12 (b).

² Cf. vol. I, p. 209.

ABERYSTWYTH, 1277. As Montgomery.

BUILTH, 1278. As Hereford.

RHUDDLAN, 1278. Do.

CONWAY, 1284.

Line 2. *For civitate read villa and omit vel suburbio.*

3. *For eorundem read predictorum.*

CARNARVON, 1284. As Conway.

CRICCIETH, 1284. Do.

HARLECH, 1284. Do.

BERE, 1284. Do.

FLINT, 1284. Do.

RHUDDLAN, 1284. Do.

OVERTON, 1292. Do.

BEAUMARIS, 1296. Do.

BERWICK-ON-TWEED, 1302. As Hereford.

Line 2. *Omit vel suburbio.*

(4) Monopoly of Trade to Burgess. Regulations for Foreign Merchants

STIRLING, 1226¹. Prohibemus etiam firmiter ne quis mercator extraneus secet pannum suum ad vendendum in foro nostro de Strivelin nisi a die Ascensionis Domini usque ad Vincula S. Petri infra quos terminos volumus ut ipsi secent pannos suos ad vendendum in foro de Strivelin et ibi emant et vendant pannos et alias mercaturas suas communiter cum burgensibus nostris sicut dominici burgenses nostri, salvis rectitudinibus nostris.

(We also firmly forbid any foreign merchant from cutting his cloth for sale in our burgh of Stirling, except between Ascension Day and the feast of St Peter ad Vincula, within which terms we will that they may cut their cloth for sale in the market-place of Stirling and there buy and sell cloths and their other merchandise in common with our burgesses, as if they were our demesne burgesses, saving our rights.)

[KILKENNY, 1202-10². Nulli mercatori extraneo liceat discisionem pannorum facere vel tabernam vinorum habere in villa Kylkenn' nisi per quadraginta dies, et si amplius hujusmodi tantum faciat per communionem burgensium ad proficuum villae remaneat.

(No foreign merchant shall be allowed to cut cloth or have a tavern for wines in the town of Kilkenny except for forty days, and if he wish to have a longer sojourn, he shall, by the common consent of the burgesses, pay so much for the profit of the town, that he may remain.)]

CARLOW, 1203. As Inistioge³.

Line 3. *After hujusmodi insert habere voluerit.*

4. *For burgensium read burgi.*

Before remaneat insert quod.

MOONE, 1223. As Carlow.

¹ As Aberdeen, 1214 (vol. 1, p. 213). Cf. also V A I (Stirling, Lanark).

² Vol. 1, p. 213.

³ Vol. 1, p. 214.

NEW ROSS, c. 1279.

Line 1. *For discisionem read decisionem.*

3. *For nisi...end read nisi in navi*¹, nisi sit ad scotum et lotum cum burgensibus dicte ville.

ROSBERCON, 1289-95. As Carlow.

SHREWSBURY, 1227 (*b*). Quod nullus emat infra burgum de Salop' coria recencia uel pannum crudum nisi sit in lotto et scotto et in assisis et tallagiis cum eisdem burgensibus.

(That none buy fresh hides or unfinished cloth within the borough of Shrewsbury, unless he be in lot and scot and pay to assises and tallages with the said burgesses.) [See Addenda.]

DROGHEDA (Louth), 1229. Quod nullus extraneus mercator pannos in predicto burgo ad decisionem vendat, vel vina ad brochum, nisi in grosso.

(That no foreign merchant sell cloth by retail in the aforesaid borough, or wine from the tap, except wholesale.)

DROGHEDA (Meath), 1247.

Line 3. *For in grosso read ad voluntatem eorundem burgensium.*

DROGHEDA (Meath), 1247. Et quod nullus extraneus mercator aliquam mercandisam faciat in predicto burgo de Drogheda aliter quam extranei mercatores faciunt in civitate nostra Dublin.

(And that no foreign merchant shall do any traffic in the aforesaid borough of Drogheda otherwise than foreign merchants do in our city of Dublin.)

[BRISTOL, 1188². Quod nullus extraneus mercator emat infra villam de homine extraneo coria, blada vel lanam nisi de burgensibus.

(That no foreign merchant shall buy in the borough of a foreign man hides, corn or wool except of a burgess.)]

BRISTOL, 1252.

Line 2. *For vel lanam read lanam vel alias mercandizas.*

After burgensibus add ejusdem villae.

WATERFORD, 1232. As Bristol, 1188, *reading* civibus *for* burgensibus.

CORK, 1242. As Bristol, 1252, *reading* civibus *for* burgensibus ejusdem villae.

LIMERICK, 1292. As Waterford³.

[BRISTOL, 1188⁴. Quod nullus extraneus...vendat pannum ad decisionem nisi in nundinis.

(That no foreigner sell cloth by retail except at fairs.)]

BRISTOL, 1252.

Line 1. *For ad decisionem read scindendum.* (As Dublin, 1192.)

WATERFORD, 1232.

Line 2. *Omit nisi in nundinis.* (As Dublin, 1192.)

CORK, 1242. As Waterford.

LIMERICK, 1292. Do.

¹ Cf. subsect. 6 below (Bristol).

³ See also New Ross (c. 1279) below.

² Vol. I, p. 212.

⁴ Vol. I, p. 212.

[BRISTOL, 1188. Et quod nullus extraneus moretur in villa cum mercibus suis propter mercas suas vendendas nisi per quadraginta dies.

(And that no foreign merchant sojourn in the town with his goods to sell them except for forty days.)]

BRISTOL, 1252.

Line 2. *For* propter mercas suas *read* ad eas.

For nisi *read* ultra.

WATERFORD, 1232.

Line 1. *For* villa *read* civitate.

2. *For* propter...vendendas *read* vendendis.

After dies *add* nisi de voluntate eorundem civium.

CORK, 1242. As Waterford.

NEW ROSS, c. 1279. Do.

Line 1. *Read* villa de Ros.

2. *After* dies *add* et amplius si morari voluerit tantum faciat erga communitatem burgi ad proficuum ville quod ulterius vendere possit.

LIMERICK, 1292. As Waterford.

Line 2. *Omit* nisi...civium.

[WELLS, 1174-80¹. Inhibemus etiam ne aliquis in eadem villa pelles crudas vel coria cruda emere presumat nisi fuerit in luna et lagha burgensium Wellarum.

(We forbid also any from presuming to buy untanned skins or hides in the same town unless he be in the community and law of the burgesses of Wells.)]

CHARD, 1235.

Line 2. *For* luna *read* lima.

UTTOXETER, 1252. (Wm de Ferrers.) Quod nullus mercandisam faciat infra liberam communiam dictorum burgensium sine rationabili tolneto et usuali.

(That none shall carry on any trading within the free community² of the said burgesses without (paying) reasonable and usual toll.)

NEW ROSS, c. 1279. Item, nullus mercator extraneus emat infra burgum de homine extraneo bladea, corea, lanam nec pannum Hibernicum nec aliam mercandisam nisi de predictis burgensibus, nisi sit ad scotum et lotum cum predictis burgensibus³.

(Further, no outside merchant shall buy within the borough from an outsider corn, hides, wool or Irish cloth or any other merchandise except from the aforesaid burgesses, unless he is in scot and lot with the aforesaid burgesses.)

WELSHPOOL, 1241-c. 1286. Ita quod ne aliquis aliquam faciat mercandizam in prefato burgo, nisi sit de dicta lege vel per voluntatem predictorum burgensium.

(So that none do any merchandising in the aforesaid borough, unless he be of the said law or by the will of the aforesaid burgesses.)

LLANFYLLIN, *after* 1286.

¹ Vol. I, p. 212.

² Mosley's transl. adds: "and liberty"

³ A fuller form of the Bristol clause given above (p. 286).

BAKEWELL, 1286. Nec quod aliqui forenses mercatores cindant carnes vel pisces ad vendendum infra libertatem ville de Bauquell', dum tamen mercatores indigene carnes et pisces ad mercatum venientibus ad sufficienciam possint inuenire.

(And that no foreign traders shall sell flesh or fish within the liberty of the town of Bakewell so long as the native traders can provide sufficient flesh and fish for those who come to market.)

CHESTERFIELD, 1294. Nullus alius preterquam burgensis ulnabit, secabit aut [s]cindet pannos lineos vel laneos, nec coreos vel pelles virides, crudas, recentes, aut salicas emat in mercato vel infra villam de Cestrefeud, et si fecerint pannorum secatorum rempteres¹ coreorum vel pellium, amittant pannos secatos et coreos et pelles emptas, et statim capiantur ad opus communitatis ville per aliquem de communitate ville sine ballivo, prout a tempore preterito fecerunt et postquam feoffati fuerunt, exceptis octo diebus nundinarum in Cestrefeud.

(No one but a burgess shall measure, cut or divide linen or woollen cloth, nor shall buy hides or skins, whether green, raw, fresh or salted in the market or within the town of Chesterfield; and if they make purchases of cut cloth, hides or skins, they shall lose the cut cloth, hides and skins so purchased, and they shall be taken immediately to the use of the community of the town, by any of the community of the town without the aid of the bailiff, as they were wont to do in time past and after they were enfeoffed, except in the eight days of the fair of Chesterfield.)

CHESTERFIELD, 1294. Et nullus erit tinctor vel tanator aut cutis tannati secator, nisi fuerit burgensis aut velit satisfacere mihi et heredibus meis et burgensibus. Et nullus homo preterquam burgensis amputabit carnes vel pisces infra villam de Cestrefeud.

(And none shall be a dyer or tanner or cutter of tanned hide, unless he be a burgess or is willing to satisfy me and my heirs and the burgesses. And no man but a burgess shall cut flesh or fish for sale within the town of Chesterfield.)

NEWCASTLE-ON-TYNE, 1298. Et quod nullum carragium sive discarragium de rebus venalibus ibidem per naves venientibus vel abinde transeuntibus fiat in terris et tenementis in Pampeden predictis sine unanimi assensu et voluntate predictorum burgensium et proborum hominum predictorum ville Novi Castri.

(And that there be no loading or unloading goods coming thither or departing thence on ships, in the aforesaid lands and tenements in Pandon without the unanimous assent and free will of the aforesaid burgesses and good men of Newcastle.)

BERWICK-ON-TWEED, 1302. Et quod nullus mercator extraneus vendat in burgo predicto aliquod mercimonium nisi in grosso.

(And that no foreign merchant sell any merchandise in the borough aforesaid except wholesale.)

¹ *Sic.* ? for "emptions."

SWANSEA, 1306. Concedimus eciam burgensibus nostris memoratis quod nullus mercator extraneus exerceat mercandisas in burgo de Sweyn' aut in terra nostra de Goher', exceptis burgensibus de Loghaurne, contra eorundem libertatem.

(We also grant to our aforesaid burgesses that no stranger merchant shall trade in the borough of Swansea or in our land of Gower, save the burgesses of Laugharne, contrary to their liberty.)

(5) Liberty to Trade

HARTLEPOOL, 1230. Et quod habeant liberum introitum et exitum et¹ firmam pacem nostram et successorum nostrorum eundi et redeundi cum omnibus rebus suis tam per terram quam per aquam in episcopatu nostro per totam terram nostram.

(And that they shall have free entrance and exit and our firm peace for going and returning with all their goods both by land and by water in our bishopric throughout the whole of our land.)

NEWCASTLE-UNDER-LYME, 1235². Quod eant per totam terram nostram cum omnibus mercandisis suis emendo et vendendo et negotiando bene et in pace, libere, quiete et honorifice.

(That they may go throughout all our land with all their wares, buying, selling and trafficking well and peacefully, freely, quietly and honourably.)

GLASGOW, 1243. Sciatis presentes et futuri nos concessisse... venerabili patri Willelmo episcopo Glasguensi, et ejus successoribus, episcopis Glasguensibus inperpetuum, ut burgenses et homines sui de Glasgu in Ergadium et in Leuenax et per totum regnum nostrum ire possint, ad emendum et vendendum et omnimodas mercatorias exercendas cum voluerint, ita libere &c. et sine aliquo impedimento ballivorum nostrorum de Dunbretan, seu quorumcunque aliorum ballivorum nostrorum, sicut dicti burgenses et homines de Glasgu antiquitus liberius &c. facere potuerunt, antequam aliquem burgum apud Dunbretan fundari fecimus.

(Know all men, present and future, that we have granted to the venerable father William bishop of Glasgow and his successors, the bishops of Glasgow, for ever, that their burgesses and men of Glasgow may go into Argyle and into Lennox and throughout the whole of our realm to buy and sell and carry on all kinds of trade whenever they will, as freely etc. and exempt from all hindrance on the part of our bailiffs of Dumbarton or any other bailiffs of ours, as the said burgesses and men of Glasgow of old could do in the freest etc. manner before we caused any burgh to be founded at Dumbarton.)

SALTASH, before 1246. Et quod nullus burgensis per mare vel per terram itinerans impediatur de aliquo rationabili negotio suo quod cum vicinis suis factururus fuerit, si in eadem villa catallum habuerit per quod in adventu suo posset iusticiari.

¹ Corrected from "ad."

² Cf. Swansea, 1215 (regranted 1234), vol. I, p. 216.

(And that no burgess, journeying by sea or land, be hindered in any reasonable business which he is about to do with his neighbours, if he has in the same town chattels by which at his coming he may be brought to justice.)

WEST LOOE, ? 1243. Et possint emere et vendere omnes mercandisas in mercatis et nundinis et in omnibus locis per totum comitatum Cornubiae.

(And that they may buy and sell all wares in markets and fairs throughout the whole county of Cornwall.)

WEYMOUTH, 1252. Quod portus noster de Waymue liber sit imperpetuum, et quod quilibet ibi libere possit applicare et stare ibi quamdiu voluerit et libere exire quandocunque voluerit cum omnibus mercandis suis, faciendo inde nobis et successoribus nostris et ecclesie nostre Wyntonie rectas consuetudines inde debitas et consuetas.

(That our port of Weymouth be free for ever and that every one may freely land and stand there as long as he will, and may freely depart with all his merchandise, paying thence to us and our successors and to our church at Winchester the right customs therefor due and accustomed.)

WEYMOUTH, 1252. (Et quod habeant) liberam facultatem emendi et vendendi in aquis, viis, semitis et in omnibus locis una cum aliis liberis burgensibus in predicta villa manentibus¹.

(And that they have freedom of selling and buying in waters, roads, paths and in all places along with the other free burgesses living in the town aforesaid.)

WEYMOUTH, 1252. Et quod liberum habeant introitum et exitum per omnes terras nostras¹.

(And that they have free entrance and departure throughout all our lands.)

READING, 1253. Et vendant et emant ubicunque voluerint per totam Angliam sine theolonio².

(And that they shall sell and buy wherever they will throughout all England without paying toll.)

BODMIN, 1225-57. Et concedimus quod possint emere et vendere per totas villas Cornubie totas mercandisas.

(And we grant that they may buy and sell all their merchandise through all the towns of Cornwall.)

BRIDGETOWN POMEROY, 1268. Volo eciam quod predicti burgenses et heredes sui aut assignati libere possint emere et vendere in noua villa et antiqua et in omnibus terris meis absque aliqua occasione, sicuti alii burgenses mei de Brigg' faciunt et facere consueuerunt³.

(I will also that the aforesaid burgesses and their heirs or assigns may freely buy and sell in the new and ancient vill and in all my lands without any hindrance, as my other burgesses of Brigg' do and were accustomed to do.)

¹ This is a special grant to the enfranchised natiui; see p. 142.

² See also V A 7.

³ In the case of villeins of Berry Pomeroy who received burgages this liberty was restricted to the borough (III 13).

SWANSEA, 1306. Habeant etiam regias stratas et omnes vias suas consuetas apertas et liberas ad eundum et redeundum ubi libet pro mercandis suis exequendis per terram simul et aquam, absque perturbatione aliqua seu cujuslibet impedimento.

(They shall also have the high roads and all their accustomed ways open and free for going and returning where they wish in pursuance of their trade both by land and sea, without any disturbance or hindrance by any.)

(6) Monopoly of Keeping Inn and Brewing

STIRLING, 1226¹. Prohibemus etiam ne aliqua taberna habeatur in aliqua villa in vicecomitatu de Strivelin nisi ubi miles sit dominus villae et in ea manens et ibi non habeatur nisi una sola taberna.

(We forbid also that any tavern be kept in any town within the sheriffdom of Stirling, except where a knight is lord of the town and residing in it, and there shall be only one tavern.)

[**BRISTOL**, 1188². Et quod nullus extraneus mercator habeat tabernam nisi in navi.

(And that no stranger merchant shall have a tavern except in a ship.)]

WATERFORD, 1232.

Line 2. *After tabernam insert de vino.* (As Dublin, 1192.)

CORK, 1242. As Waterford.

LIMERICK, 1292. Do.

CONWAY, etc., 1284-1307. In a lawsuit of 1370, the following clause was cited from a charter of Edward I:

Et quod nulli aliquam cervisiam ad vendendum brasiaret infra limites octo leucarum a villis predictis³.

(And that none brew any beer for sale within the limits of eight leagues from the aforesaid towns.)

(7) Dispute between Burgess and Merchant

POOLE, c. 1248. Cum vero mercatores extranei, quicunque fuerint, ad portum dicti burgi nostri applicuerint et ab inde cum festinatione recedere voluerint, et interim in aliquo deliquerint quod per prepositum nostrum et burgenses nostros possit exaudiri, volo...quod si ballivi nostri fuerint absentes per prepositum nostrum et fideles burgenses nostros emende talis delicti capiantur et ballivis nostris fideliter persolvantur. Et dicti mercatores libere et quiete recedant.

(Moreover, when foreign merchants, whosoever they may be, touch at the port of our said borough, and wish to depart with haste therefrom, and meanwhile commit some offence which can be heard by our reeve and burgesses,

¹ As Aberdeen, 1214 (vol. I, p. 217).

² Cf. vol. I, p. 216.

³ Conway (1284), Beaumaris (1296), Newborough (1303), Carnarvon (1284), Criccieth (1284), Harlech (1284), Bala (1324). See above, p. 245.

I will...that in the absence of our bailiffs, fines for such offence shall be taken by our reeve and faithful burgesses and shall be faithfully paid to our bailiffs. And the said merchants may depart freely and quietly.)

GRIMSBY, 1258. Item, quod ad diem inter mercatores statutum emptor solvat sine aliqua dilatione denarios quos debet creditori suo, et si non fecerit, creditor ostendat illud ballivis dicte ville qui statim mittant pro emptore; et si recognoscat debitum precipiant ei ballivi quod debitum illud persolvat infra tres fluctus maris, si debitum illud debeatur pro allece vel alio genere piscium; et si debitum illud debeatur pro blado vel aliis mercandis, solvat debitor infra tres dies; et si emptor non solverit ad terminum illum, ballivi solvant de communi bursa dicte ville et capiant in duplo de emptore; et si emptor non habeat unde debitum illud solvat, ejus tenementum capiatur in manum nostram et detineatur quousque inde percipiatur ad valentiam dicti debiti in duplo et tunc tenementum suum sibi restituatur. Et si emptor debitum illud non recognoscat, gaudeat lege et consuetudine dicte ville.

(Item, that on the day agreed between merchants the buyer pay without any delay the money he owes to his creditor, and if he does not, the creditor shall complain to the bailiffs of the said town who shall immediately send for the buyer and if he admits the debt, the bailiffs shall order him to pay it within three tides, if the debt be owed for herring or any other kind of fish; and if the debt be owed for corn or other wares, the debtor shall pay within three days, and if the buyer do not pay within that term, the bailiffs shall pay out of the common purse of the said town, and shall take double the debt from the buyer, and if the buyer have nothing whence to pay the debt, his house shall be taken into our hand and detained until there has been received therefrom double the value of the said debt, and then it shall be restored to him. And if the buyer does not admit the debt, he shall enjoy the law and custom of the said town.)

(9)¹ Purchases of Stolen Property

CARMARTHEN, 1254-7. Et quamvis aliquis eorum aliquam rem claro die coram vicinis suis emerit et postea res illa fuerit calumpniata tanquam furtiva, non amittet nisi tantum rem illam, sed jurabit cum sacramento vicinorum suorum quod nescivit rem illam emisse de latrone.

(And although any of them in the day time and in the presence of his neighbours buy any article, and that article is afterwards claimed as stolen he shall lose nothing except that article, but shall swear with his neighbours that he did not know that he had bought it of a thief.)

LAUGHARNE, 1278-82.

Line 1. *For quamvis read quod si.*

3. *Before amittet insert emptor nihil.*

4. *Omits nescivit (in error).*

¹ No clause on Scavage (subsection 8) in this period.

CARDIGAN, 1284.

- Line 1. *For eorum read eorundem burgensium.*
 2. *For et postea res illa read que postmodum.*
 3. *Before amittet insert nihil aliud ob hoc.*
 4. *For emisse read emptum fuisse.*

HAVERFORDWEST, 1291. As Cardigan.

(10) Forestalling and Regrating, etc. Brokers

DROGHEDA (Louth), 1229. Quod nullus extraneus victualia a portu de Drogheda abducatur, nisi de voluntate et licentia predictorum burgensium vel heredum suorum.

(That no stranger shall export victuals from the port of Drogheda, except by the will and license of the aforesaid burgesses or their heirs.)

OXFORD UNIVERSITY, 1255. Nullus eciam regratarius emat victualia in villa Oxon. vel extra versus villam veniencia, nec aliquid emat nec iterum vendat ante horam nonam, et si fecerit, amercietur et rem emptam amittat.

Quilibet pistor habeat sigillum suum et signet panem suum per quod possit cognosci cuius panis est.

Quicumque de villa Oxon. brasiaverit ad vendendum exponat signum suum, alioquin amittat cervisiam.

Vina Oxon. communiter vendantur et indifferenter tam clericis quam laicis ex quo inbrochiata fuerint. [Cf. p. 222.]

(No regrater shall buy victuals in the town of Oxford or outside, coming towards the town, nor shall he buy anything and sell again before the ninth hour, and if he do so, he shall be amerced and lose the article purchased.)

Every baker shall have his seal and shall sign his bread so that it may be known whose bread it is.

Every one of the town of Oxford who brews for sale, shall put out his sign, else he shall lose his beer.

Wines shall be sold at Oxford generally and indifferently to clerks and lay folk, from the time that they are broached.)

CAMBRIDGE, 1268.

Line 3. *For nonam read tertiam.*

For et...end read secundum quantitatem et qualitatem delicti.

6. *Add quod si non fecerit graviter amercietur.*

SALTASH, before 1246. Et quod nulla navis contra libertatem eiusdem ville transeat Rupem de Essa et Rupem de la Heu in linar¹ ad aliquam mercaturam emendam vel vendendam.

(And that no one, against the liberty of the same town, cross the Rock of Ash or the Rock of Heu in linar to buy or sell any merchandise.)

¹ Owing to the difficulty of distinguishing *n* and *u* in mediaeval script, the reading is doubtful.

GREAT YARMOUTH, 1256 (*a*). Et quod omnes mercandise seu mercimonia tam de piscibus quam de aliis rebus ad portum de Gernemua veniencia, in navibus vel extra inventa, libere et aperte per manum mercatorum hujusmodi mercimonia deferencium sine alicujus impedimento vendantur et emanant. Ita quod decetero non sint abrocatore in predicta villa de Gernemua per quos emptores vel venditores de vendicionibus vel empconibus suis libere faciendis impediantur ad detrimentum ville memorate¹.

(And that all merchandise and wares both of fish and other things coming to the port of Yarmouth, whether found in ships or without, shall be freely and openly sold and bought by the hands of merchants dealing in this sort of wares without hindrance from any. So that from henceforth there shall be no brokers in the aforesaid town of Yarmouth by whom buyers and sellers shall be hindered in freely making their sellings and buyings, to the damage of the aforesaid town.)

DUNWICH, 1256.

IPSWICH, 1256.

GREAT YARMOUTH, 1306. Et per manum mercandisas et mercimonia illa ducencium seu deferencium et ea ibidem vendere volencium seu per manum servientium suorum vendicioni exponantur et ibidem quibus voluerint libere vendantur et emanant absque aliquo forstallamento seu abrocamento vel alio quovis impedimento. Ita quod nullus forstallarius, abrocator vel alius quicunque obviam eat mercatoribus cum piscibus et aliis mercandisis et rebus venalibus versus predictam villam nostram venientibus ad aliqua inde emenda seu forstallamenta vel abrocamenta in predicta villa vel extra inde facienda, sub forisfactura rei empte, per quod dicti burgenses seu aliqui mercatores hujusmodi mercandisas et mercimonia ibidem ducentes super empconibus et vendicionibus suis apud eandem villam nostram de Magna Jernemutha faciendis ad detrimentum ejusdem ville aliquid impediantur².

(And by the hands of those bringing those merchandises and wares and wishing to sell them there, or by the hands of their servants, they shall be exposed for sale, and shall there be sold to and bought by whomsoever will without any forestalling or brokerage or any other hindrance whatsoever. So that no forestaller, broker or other person whosoever shall go to meet the merchants coming to the aforesaid town with fish and other merchandise and goods for sale to buy anything therefrom or to make any forestalling or brokerage within the aforesaid town or without, under penalty of the forfeiture of the thing purchased, by which the said burgesses or any merchants bringing thither any merchandise and wares of this kind shall be hindered in making their buyings or sellings at our said town of Great Yarmouth to the damage of the same town.)

¹ See below.

² See above.

CANTERBURY, 1256 (*b*). Et quod nullus extraneus faciat forstallum in civitate predicta vel in portsoca sua ad nocumentum civium predictorum, sicut nec fieri consuevit.

(And that no stranger shall forestall in the said city or its liberty to the injury of the citizens, as indeed was not wont to be done.)

GRIMSBY, 1258¹. Quod nullus mercator de Grymesby emat allices, pisces aut aliquas alias mercandisas venientes ad portum dicte ville nec ea deliberet ante ortum solis nec post occasum solis nec antequam navis applicuerit ad terram et virga navis ferentis mercandisas illas vel aliquod aliud instrumentum ponatur de nave ad terram super quod homines navem illam possint intrare.

Item, quod omnes emptiones fiant palam et non occulte et in portu ubi naves applicuerint aut in marisco aut in navi et non alibi².

Item, quod nullus eat per navem aut naviculum vel batellum contra naves ferentes mercandisas aliquas ad dictam villam ad afforandum aut alloquendum mercatores earundem mercandisarum super aliqua emptione antequam naves ille applicuerint in portu ejusdem ville vel in portu de Fresken, et si fecerint, garciones batellorum et omnes alii qui cum eis interfuerint ponantur in ceppis et teneantur ibidem per octo dies integre sine aliqua deliberatione, et si iterato hoc fecerint, omnes et singuli ponantur in ceppis et teneantur ibidem octo dies et unusquisque det dimidiam marcam communi utilitati dicte ville; et si tertio hoc fecerint, ejiciantur extra communitatem dicte ville per unum annum integrum.

Item, quod nullus homo nec garcio alicujus hominis de Grymesby accurrat aliquibus navibus intransitibus dictos portus ad alloquendum mercatores super aliqua reservatione de mercandisis facienda, et si fecerit, solvat dimidiam marcam communi utilitati dicte ville, et si non habeat unde eam reddere possit, ponatur in ceppis integre per septem dies sine aliqua deliberatione.

Item, quod nullus piscator de Humbr' vendet in domibus vel in batellis nec in aliquo loco nisi in communi mercato nostro dicte ville, et si fecerit det dimidiam marcam communi utilitati ejusdem ville aut sedeat in ceppis integre per septem dies sine deliberatione.

Item, quod (nullus) regratarius vel regrataria emat carnes, pisces aut aliqua alia victualia in dicta villa ante primam horam sub pena dimidie marce solvende communi utilitate dicte ville. Et si aliquis talium non habeat unde pecuniam illam solvat, sedeat in ceppis per septem dies sine deliberatione et perdat victualia preempta.

¹ These provisions were made "de communi assensu communitatis ville" before a judge sent by the king to settle a dispute "inter divites homines ville...et pauperes homines ejusdem ville super mercandisis ibidem faciendis."

² Followed by the clause on rights of tenants of the country to purchase victuals of this kind, if they or their servants be present (p. 300).

Item, quod nullus pistor emat bladum in dicta villa ante horam primam, et si fecerit, perdat bladum emptum et tradatur communitati dicte ville.

(That no merchant of Grimsby buy herrings, fish or any other wares coming to the said port, or deliver the same, before sunrise nor after sunset, nor before the ship has touched land and the yard of the ship bearing those wares or some other gangway is placed from the ship to the land on which men may enter that ship.

Item, that all sales be made openly and not in secret and in the port where the ships touch or in the marsh or on the ship and not elsewhere.

Item, that no one go by ship or boat to meet ships bearing any wares to the said town to fix prices or speak with the merchants of those wares on any sale before those ships touch in the port of the said town or in the port of Freshney, and if they do so the boatmen and all others who were with them shall be placed in the stocks for eight days fully without any deliverance, and if they do this a second time all and singular shall be placed in the stocks and kept there for eight days fully, and each shall pay half a mark to the common good of the said town; and if they do it a third time they shall be put out of the community of the said town for a whole year.

Item, that no man nor the servant of any man of Grimsby shall accost any ships entering the said ports to bargain with the merchants about making any reservation of wares, and if he do so, he shall pay half a mark to the common good of the said town, and if he have not whence he can pay it, he shall be placed in the stocks for fully seven days without any deliverance.

Item, that no fisherman of the Humber shall sell in houses or boats or in any place except our common market of the said town, and if he does so, he shall pay half a mark to the common good of the said town, or shall sit in the stocks for fully seven days without deliverance.

Item, that no male or female regrater shall buy flesh or fish or any other victuals in the said town before the first hour, under penalty of half a mark to be paid to the common good of the said town. And if any of them have no means whence he can pay the money he shall sit in the stocks for seven days without deliverance and shall lose the victuals so purchased beforehand.

Item, that no baker buy corn in the said town before the first hour, and if he does so, he shall lose the corn so bought, and it shall be given to the community of the said town¹.

OSWESTRY, 1263². Ac si forinsecus vel aliquis residens in dicta villa nostra non habens libertatem burgencialem vel aliquis alius alienigena exierit (vel) redierit surburbium nostre dicte ville fraudulenter ad emenda victualia et aliqua mercimonia et aliquas res ad detrimentum et prejudicium libertatum dicte ville nostre et proficui ac emolumentum burgensium dictorum nostrorum antequam venerint ad forum dicte nostre ville ubi erant uti et consueti vendenda et emenda, si que capientur et per ministros nostros conducti fuerint ad ergastula proiend' secundum discretionem ballivorum nostrorum dicte ville nostre.

(And if a stranger or any resident in the town not having the liberty of a burges or any other stranger go out of the suburb of our said town or return

¹ Followed by clause on handclasp bargains (p. 300).

² Partly corrected by Mr Ballard from the very corrupt printed copy.

to buy fraudulently victuals and any merchandise and other things to the detriment and prejudice of the liberties of the said town and of the profit and advantage of the said burgesses, before they come to the market of our said town where they were used and accustomed to be sold and bought, they shall be arrested and taken by our ministers to the prison according to the discretion of our bailiffs of our said town.)

LONDON, 1268. Et quod nullus mercator vel alius obviam eat mercatoribus venientibus per terram vel per aquam cum mercandis suis et victualibus versus civitatem illam ad emendum vel revendendum quousque ad dictam civitatem venerint, et mercimonia sua ibidem venditioni exposuerint, super forisfacturam rei empte et penam carceris a quo sine gravi castigatione non evadent.

(And that no merchant nor anyone else shall meet merchants coming by land or water with his wares and victuals towards the same town to buy or sell until they have come to the said town and have exposed their wares for sale, under forfeiture of the thing purchased, and penalty of imprisonment, from which they shall not be set free without severe punishment.)

MELCOMBE [REGIS], 1280.

LYME [REGIS], 1285.

NOVA VILLA, 1286.

BERWICK-ON-TWEED, 1302.

CAMBRIDGE UNIVERSITY, 1268. Nullus eciam regratarius emat victualia in villa Cantebrigg', vel extra versus villam veniencia, nec aliquid emat, ut iterum vendat, ante horam tertiam; et si fecerit, amercietur secundum quantitatem et qualitatem delicti.

(No regrater, moreover, shall buy victuals in the town of C., or without on their way to the town nor buy anything, to sell it again, before the third hour; and if he do this, he shall be amerced according to the quantity and quality of the offence.)

OXFORD UNIVERSITY, 1284. (Letters patent.) Rex cancellario universitatis Oxon....Et forisfacture per empcones regratariorum et forisstallatorum contra libertates dicte universitatis factas, per communes servientes universitatis et ville predictae¹ vel alterum ipsorum, per quem huiusmodi forisfacturas prius inueniri contigerit, capiantur, per visum utriusque eorum usque ad hospitale nostrum S. Johannis usque ad portam orientalem ibidem continuo deferenda et pauperibus et infirmis ibidem distribuenda ita quod neutri vestrum aliquid accrescat.

(The king to the chancellor of the university of Oxford....And the forfeitures through the purchases made by the regraters and forestallers contrary to the liberties of the said university shall be taken by the joint servants of the university and of the said town, or by one of them, by whom forfeitures of this kind may happen to be taken, and shall be borne as far as our hospital of St John outside the East Gate, and shall be distributed to the poor and infirm there, so that no profit therefrom accrue to either of you (*i.e.* the university or the town.)

¹ Corrected from "villarum predictarum" (*Oxford City Documents*, 216)

BAKEWELL, 1286. Quod nulli regratores esculenta et poculenta ante horam primam emant ad mercandum.

(That no regraters of eatables or drink shall buy to sell again before the first hour.)

CHESTERFIELD, 1294. Et nullus forstallarius vel regratarius emat in foro per dies sabbati aliquid genus victualium vel provandi antequam prima pulsetur ne magnates et probi homines de patria et burgenses impediuntur ad emenda sua necessaria in foro ante horam prime, et si quis hoc fecerit tunc amittet omnia empta rea¹ [et] de quibus convenerit emendi et omnia sic empta et de quibus convenerint attachiantur (*sic*) ad opus communitatis ville, et nihilominus faciet bonas emendas mihi et heredibus meis, sicut consuetudo est.

(And no forestaller or regrater shall purchase any kind of victuals or provender in the market on Saturday before the bell rings for prime, so that the magnates and the good men of the country and the burgesses may not be hindered in buying their own necessities in the market before the hour of prime, and if anyone does this he shall lose all the things purchased [and] those which it is agreed to buy, and everything so purchased and those about which agreements are made shall be attached to the use of the community of the town, and nevertheless he shall pay a good fine to me and my heirs, as is the custom.)

(II) Lord's Pre-emption of Goods

HARTLEPOOL, 1230. Et salvis nobis et successoribus nostris rationabilibus empcionibus nostris omnium rerum venalium sicut antecessores nostri temporibus suis habuerunt vel sicut dominus rex habet in burgis baronum suorum in Anglia....

Nos vero et successores nostri in empcionibus premissis omnium rerum venalium omnibus aliis preferamur.

(And saving to us and our successors our reasonable purchases of all goods on sale as our predecessors had in their times or as our lord the king has in the boroughs of his barons in England.

Moreover, we and our successors in the aforesaid purchases of all goods on sale shall be preferred to all others.)

This charter was confirmed by Ralph the prior, and the convent of Durham, who added:

Salvo etiam in perpetuum quod liberi simus in empcione victualium nostrorum in eodem burgo, ita quod non liceat eisdem burgensibus de Hertilpole aliquod impedimentum facere nobis super eisdem victualibus nostris.

(Saving also for ever that we shall be free in the purchase of our victuals in the same borough, so that it shall not be lawful to the same burgesses to hinder us in our purchase of victuals.)

¹ Apparently for "res." The scribe writes "reorum" for "rerum" elsewhere (III 2 b).

It was also confirmed by Peter de Brus, guardian of Robert de Brus V, who recited this clause with the substitution of "dicto Petro" for "eisdem burgensibus de Hertilpole" and the omission of the last two words.

DUNSTER, 1254-7. Et quod comparacionibus domini ad portum maris vel in predicto foro factis ut (*sic*) statim possint comparare sine querela vel impedimento ea quae comparare voluerint, ne et alii de patria ante ipsos suam faciant comparacionem.

(And that, after the lord's purchases have been made¹ at the seaport or in the aforesaid market, the burgesses may buy forthwith, without hindrance or impediment, whatever they want to buy, so that others of the country may not make their purchase before them.)

(12) Sale of Wines in Boroughs

SHREWSBURY, 1256 (*a*). Et quod iidem burgenses non distringantur ad emenda vina nostra, nisi de eorum voluntate et assensu, ita tamen quod dum vina nostra ibidem vendantur, aliae venditiones vinorum omnium cessent in villa predicta.

(And that the same burgesses shall not be distrained to buy our wines, except with their good-will and assent, provided, however, that when our wines are being sold there, the sale of all other wines shall cease in that town.)

BRIDGENORTH, 1256 (*a*).

CAMBRIDGE UNIVERSITY, 1268. Vina Cantebrigg' communiter vendantur et indifferenter tam clericis quam laicis, ex quo imbrochiata fuerint.

(The wines of Cambridge shall be sold generally and indifferently as well to clerks as laymen, as soon as they are broached.)

(13) The Burgess Lot in Bargains

GRIMSBY, 1258. (cc. 1-3.) Item quod non denegetur alicui burgensi dicte ville participare in aliquibus mercandisiis dummodo emptionibus earundem interfuerit.

Item, si aliquis mercator cum quibuscunque mercandisiis intraverit cum nave sua portum de Grymesby et noluerit mercandisas suas vendere nisi alicui vel aliquibus familiaribus suis qui ei de catallis suis accommodare consueverunt, ipse vel ipsi quibus dictus mercator mercandisas suas reservaverit habeant tantummodo tertiam partem earundem mercandisarum, et vicini burgenses qui emptionibus earundem interfuerint habeant duas partes earundem mercandisarum, dummodo teneant terram in burgagium quam vendere et dare possint; et hoc fiat de omnibus navibus

¹ Miss Bateson translates "as touching the lord's purchases" (*B.C.* II, 166), but the wording hardly seems to bear this interpretation.

intransibus dictum portum cum quibuscunque mercandis exceptis navibus piscatorum Francie et Flandrie.

Item, quod ille vel illi cui vel quibus dicti piscatores Francie vel Flandrie mercandis suas reservaverint non vendant eas nisi vicinis comburgensibus et hoc faciant communiter et non specialiter.

Et si mercandis illas aliter vendiderint, merchandise ille capiantur per ballivos et per communitatem dicte ville in manum nostram et commodum nostrum inde faciant, et nihilominus dicti venditores distringantur ad faciendam solutionem dictis piscatoribus pro mercandis sibi reservatis, et habeant de qualibet lasta allecis duodecim denarios pro suo labore et de qualibet centum mulvellorum duodecim denarios, et non amplius¹.

(Item, no burgess of the said town shall be denied a share in any merchandise, so long as he was present at the purchase.

Item, if any merchant with any merchandise whatsoever enter the port of Grimsby with his ship, and is unwilling to sell his merchandise except to one or more of his friends who have been wont to make loans to him from their own chattels, he or they for whom the said merchant reserved his merchandise shall have only the third part of such merchandise and the neighbouring burgesses who were present at the purchase shall have two parts of such merchandise, provided that they hold land in burgage which they can sell and give; and this shall be the law concerning all ships that enter the port with any merchandise except the ships of fishermen from France and Flanders.

Item, that he or they for whom the said fishermen of France and Flanders reserve their merchandise, shall not sell it except to their neighbours, being fellow burgesses, and this they shall do in common and not specially.

And if they sell that merchandise otherwise, that merchandise shall be taken by the bailiffs and the community of the said town into our hand, and they shall sell it to our profit, and nevertheless the said vendors shall be distrained to pay the said fishers for the merchandise so reserved for them, and shall have for their trouble 12*d.* from each last of herrings and 12*d.* from every hundred of cod, and no more.)

GRIMSBY, 1258. (c. 4.) Item, quod omnes libere tenentes patrie illius emant alleces, pisces et hujusmodi victualia sine impedimento, dumtamen ipsi vel servientes sui exoneratione navis ferentis victualia illa interfuerint².

(Item, that all tenants in the country shall buy herring, fish and other victuals of this kind without hindrance, provided that they or their servants are present at the unloading of the ship bearing those victuals.)

CHESTERFIELD, 1294. Nullus homo habeat lot neque scot cum burgensibus de mercandis emptis per ipsos vel per aliquos suorum infra villam de Cestrefeud nisi burgenses, sed ipsi burgenses, vel sui servientes loco suo, habebunt lot et scot cum omnibus aliis more suo consueto et antiquo.

¹ Quoted *B.C.* I, 168–9, except the last three lines.

² Quoted *B.C.* II, 169.

(No man shall have lot and scot with the burgesses in the goods bought by themselves or by any of their own men within the town of Chesterfield except the burgesses, but the same burgesses, or their servants in their place, shall have lot and scot with all others in their ancient and wonted manner.)

GREAT YARMOUTH, 1298. Quod de legalibus rebus et mercimoniis que ipsos infra terram nostram Hibernie debito modo emere contingerit, nullus de rebus et mercimoniis illis sit eorum particeps nec cum illis contra voluntatem eorundem burgensium et hominum inde participet quoquo modo.

(That of their lawful goods and wares, which they may happen to buy in proper manner within our land of Ireland, none shall be partner of them in those goods and wares, nor shall share with them in the same, against the will of the same burgesses and men.)

CINQUE PORTS, 1298.

Line 4. *For burgensium read baronum.*

(14) Handclasp Bargains

GRIMSBY, 1258. Item, quod nullus faciat palmatas de allece aut aliis piscibus nec de blado nisi burgenses dicte ville, et quod palmate firmiter teneantur nisi mercandise de quibus palmate ille facte fuerint pejores sunt quam conventum fuerit, et de hoc fiat rationabilis estimatio per viros fide dignos¹.

(Item, that no one shall make bargains by handclasp for herring or other fish or for corn, except burgesses of the said town, and that handclasp bargains shall hold unless the merchandise, for which the bargains were made, is worse than was agreed, and of this a reasonable valuation shall be made by men worthy of credit.)

(15) Burgess Agreements with Fullers and Dyers

WARTON, 1246-71. Et quod habeant easdem convenciones cum fullonibus et tinctoribus meis² quas vicini burgenses in vicinis burgis cum talibus ministeriis habent.

(And that they have the same agreements with my fullers and dyers, as the neighbouring burgesses of neighbouring towns have with the like trades.)

BAKEWELL, 1286. Et quod iidem libere tenentes cum pannis suis fulloniandis licite valeant ubi voluerint adire sine calumpnia.

(And that the same freeholders may lawfully go where they will with their cloths to have them fulled without claim (on my part).)

¹ Quoted *B.C.* II, 182.

² Cf. the exclusion of these craftsmen from the merchant guilds of Perth, Aberdeen and Stirling (vol. I, 205 and above, p. 278).

(16) The Jews¹

OXFORD UNIVERSITY, 1248. Et quod Judei Oxonie non recipiant a predictis scolariis pro libra in septimana nisi duos denarios et similiter fiat in minori summa secundum suam quantitatem, alioquin predicti Judei puniantur secundum consuetudinem regni.

(And that the Jews of Oxford shall take from the aforesaid scholars twopence in the pound for a week, and likewise for a smaller sum according to its amount, otherwise, the aforesaid Jews shall be punished according to the custom of the realm.)

MELCOMBE [REGIS], 1280. De Judeis autem nostris et mercatoribus extraneis atque aliis in supradictis concessionibus nostris nos et burgum nostrum predictum tangentibus, providebimus nos et heredes nostri prout melius videbimus nobis expedire.

(Concerning our Jews and foreign merchants and other matters in our grants relating to us and our aforesaid borough, we and our heirs will make such provisions as we shall see will be most expedient for us.)

LYME [REGIS], 1285.

NOVA VILLA, 1286.

(17) No Rival Ports to be allowed

SCARBOROUGH, 1256 (*b*). Et quod nullus portus aut kayum ullo modo fiat aut fieri permittatur per nos uel heredes nostros aut per aliquem alium inter predictum burgum et Raueneser'.

(And that no port or quay shall in any manner be made or allowed to be made by us or our heirs or by anyone else between the aforesaid borough and Ravenser.)

¹ See also III 11.

VI. BOROUGH FINANCES

(1) Firma Burgi¹

CARLISLE, 1221. (Fine.) Rex vicecomiti Cumberlandiae salutem. ...Cum igitur concesserimus predictis civibus Karleoli civitatem Karleoli cum pertinentibus ad firmam quamdiu nobis placuerit pro lx libris per annum reddendis ad scaccarium nostrum per manum suam², sicut prius consueverunt habere de vicecomite Cumberlandiae pro lii libris de quibus respondere consueverunt dicto vicecomiti, ita scilicet quod decetero quamdiu nobis placuerit per manum suam nobis respondeant ad scaccarium nostrum de predictis lx libris ad duos terminos anni³, videlicet ad festum Sancti Michaelis de xxx libris et ad Pascha de xxx libris, et intellex[er]imus per eandem inquisitionem quod predicta molendina, piscaria super Edenam et theoloneum comitatus pertinere consueverunt ad firmam ville faciendam in tempore... (as in sentence sicut prius...) tibi precipimus quod predictis civibus nostris plenam seisinam habere facias de civitate nostra predicta cum predictis moleninis, piscaria et theoloneo....

(The king to the sheriff of Cumberland, greeting....As therefore we have granted to the aforesaid citizens of Carlisle the city of Carlisle with its appurtenances at farm during our pleasure for £60 per annum, to be paid at our exchequer by their hand, as they used to have it before from the sheriff of Cumberland for £52 for which they were wont to answer to the said sheriff, so that, to wit, in future during our pleasure they shall answer by their own hand at our exchequer for the aforesaid £60 at two terms of the year, viz. at Michaelmas for £30 and at Easter for £30 and as we have learnt by the same inquisition that the aforesaid mills [and] fishery on the Eden and the toll of the county used to be applied to make up the farm of the town in the time... (when they paid to the sheriff), we enjoin you to cause our aforesaid citizens to have full seisin of our aforesaid city with the aforesaid mills, fishery and toll....)

WYCOMBE, 1226. (Fine.) Quod idem Alanus (Basset) quantum in eo et heredibus suis est, concessit eisdem burgensibus totum burgum de Wycumb cum redditibus, mercatis et feriis et omnibus aliis rebus ad liberum burgum pertinentibus sine aliquo retinemento et cum omnibus incrementis et empcionibus quas idem Alanus fecit in eodem burgo et cum edificiis de Cnanenethorn sicut idem Alanus illa edificia tenuit, et cum redditu quattuor solidorum quem Galfridus filius Angot reddere solebat et cum omnibus aliis pertinenciis suis et omnibus rebus ad

¹ See also V A 4 (Huntingdon).

² A fee farm at the same rent was granted in 1231 (*C.Ch.R.* I, 142).

³ In 1234 leave was got to pay at Michaelmas only.

burgum illum pertinentibus, exceptis dominicis ipsius Alani et terris suis forinsecis et molendinis suis quae integre remanent eidem Alano et heredibus suis, Habendum et Tenendum eisdem burgensibus et heredibus ipsorum ad feodi firmam de predicto Alano et heredibus suis imperpetuum, Reddendo inde per annum triginta libras et unam marcam ad duos terminos anni, scilicet ad festum Sancti Michaelis quindecim libras et dimidiam marcam et ad festum Sancte Marie in Marcio quindecim libras et dimidiam marcam pro omni servicio et exaccione ad predictum Alanum vel ad heredes suos pertinente. Et hec concordia facta fuit inter eos salva fine facta inter predictum Alanum et abbatissam de Godestowe ita scilicet quod redditus et consuetudines quas homines ipsius Abbatisse reddere solent eidem Alano remaneant ipsis burgensibus et heredibus ipsorum in auxilium ad predictam feodi firmam faciendam secundum finem prius factam inter eundem Alanum et predictam abbatissam.... Et sciendum quod predictus Alanus et heredes sui acquietabunt predictos burgenses et heredes ipsorum versus dominum regem et heredes suos de firma viginti librarum quam idem Alanus inde debet domino regi et similiter de forinseco servicio feodi unius militis quod predictus Alanus debet de terra de Wycumb quam habet de dono Regis Johannis.

(That the said Alan on behalf of him and his heirs granted to the said burgesses the whole borough of Wycombe with the rents, markets, fairs, and all else pertaining to a free borough, and with all increments and purchases made by him herein, and with a rent of 4s. which Geoffrey son of Angod used to pay to him, and all other things belonging to the borough, saving the demesnes of the said Alan and his foreign lands and mills, which shall remain to him and his heirs, to be had and held by the said burgesses and their heirs at fee-farm for ever from the said Alan and his heirs by the yearly payment of £30 and one mark in equal parts at Michaelmas and Ladyday; moreover this concord was made saving the fine made between the said Alan and the Abbess of Godstow, so that the rents and customs of the men of the said abbess due to the said Alan shall remain to the said burgesses in aid of their fee-farm, [saving to the said Alan his reasonable aids, when the king shall tallage his demesnes throughout England]; and the said Alan shall acquit the burgesses of the farm of £20, which he owes to the king, and of the foreign service of the fee of one knight, which he owes for the land of Wycombe given to him by king John.)

HELMSLEY, c. 1186-1227. Hec omnia dedi et concessi predictis burgensibus meis tenenda de me et heredibus meis imperpetuum bene et honorifice, in pace, libere et quiete, reddendo mihi et heredibus meis annuatim undecim libras argenti pro omnibus serviciis, auxiliis et demandis.

(All this have I given and granted to my aforesaid burgesses to be holden of me and my heirs for ever well and honourably, peacefully, freely and quietly, rendering to me and my heirs eleven pounds of silver yearly for all services, aids and demands.)

GRIMSBY, 1227. Sciatis nos concessisse...maiori et probis hominibus nostris de Grimesby quod ipsi et heredes eorum et successores habeant et teneant de nobis et heredibus nostris ad firmam villam nostram de Grimesby cum pertinentiis ad predictam firmam pertinentibus, respondendo inde nobis et heredibus nostris singulis annis ad scaccarium nostrum sancti Michaelis per manum suam de C. & xj. libris sterlingorum numero, salvis nobis et heredibus nostris purpresturis & pasturis nostris factis et faciendis et aliis redditibus nostris, si qui sunt extra predictam firmam.

(Know ye that we have granted...to our mayor and good men of Grimsby that they and their heirs and successors shall have and hold of us and our heirs at farm our town of Grimsby with the appurtenances of the said farm, answering therefor to us and our heirs each year at our Michaelmas exchequer by their hand for £111 sterling tale, saving to us and our heirs our encroachments and our pastures made and to be made and our other incomings, if there are any outside the said farm.) Cf. p. 315.

BEDFORD, 1227 (a). Sciatis nos [concessisse]...burgensibus nostris Bedeford et heredibus suis villam nostram Bedeford cum pertinentiis suis: habendam et tenendam de nobis et heredibus nostris ad feodi firmam pro quadraginta libris blancis reddendis per annum ad scaccarium nostrum per manum suam pro omni servitio, scilicet ad Pascha viginti libras et ad festum Sancti Michaelis viginti libras.

(Know ye that we have granted to our burgesses of Bedford the town of Bedford with its appurtenances, to have and to hold at fee farm for £40 blanchéd to be paid at our exchequer every year by their own hand for all service, to wit, at Easter £20 and at Michaelmas £20.)

ROCHESTER, 1227. Sciatis nos concessisse &c. ciuibus nostris Roff' et heredibus eorum ciuitatem nostram Roff' ad feodi firmam pro xxv. libris sterlingorum reddendis per annum ad scaccarium nostrum, scilicet medietatem ad Pascha et aliam medietatem ad festum sancti Michaelis, tenendam de nobis et heredibus nostris eis et heredibus suis inperpetuum cum omnibus pertinentiis et libertatibus et liberis consuetudinibus ad predictam ciuitatem pertinentibus.

(Know ye that we have granted, etc. to our citizens of Rochester and their heirs our city of Rochester at fee farm by the payment of £25 sterling yearly at our exchequer, to wit half at Easter and the other half at Michaelmas, to hold of us and our heirs to them and their heirs for ever, with all appurtenances and liberties and free customs belonging to the aforesaid city.)

ROCHESTER, 1266. Et pro fideli servicio quod iidem cives nobis impendunt et pro dampnis et jacturis que sustinuerunt in obsequio nostro, remisimus eisdem civibus [et] heredibus et successoribus suis, pro nobis et heredibus nostris, octo libras annuas de firma predicta, ita quod reddent nobis per annum ad scaccarium nostrum pro firma predicta duodecim libras.

(And for the faithful service which the said citizens are rendering to us and for the damages and misfortunes which they have sustained in our service, we have remitted to them and their heirs and successors, for us and our heirs eight pounds yearly from the aforesaid farm, so that they shall pay to us yearly at our exchequer twelve pounds for the aforesaid farm.)

WORCESTER, 1227. Noueritis quod prisam tine ceruisie quam constabularii nostri Wigorn' capere consueuerunt temporibus predecessorum nostrorum regum Anglie in ciuitate nostra Wigorn', de qua tina reddere non cons[ueuerunt] nisi duos denarios et obulum, quietam clamauius ciuibus nostris Wigorn' et heredibus suis inperpetuum pro incremento firme eiusdem ciuitatis, videlicet quod predicti ciues pro viginti et quatuor libris blanc' quas nobis reddere consueuerunt per a[nnum] reddent nobis et heredibus nostris decetero singulis annis ad scaccarium nostrum triginta libras numero scilicet quindecim libras ad Pascha et quindecim libras ad festum sancti Michaelis.

(Know ye that we have quitclaimed to our citizens of Worcester and their heirs for ever the prise of the vat of ale which our constables of Worcester used to take in our city of Worcester in the time of our predecessors, kings of England, from which vat they were wont only to pay 2½*d.*, in consideration of an increase of the farm of the city, namely that the aforesaid citizens instead of the £24 blanch which they were wont to pay to us yearly shall pay to us and our heirs henceforth each year at our exchequer £30 tale, to wit £15 at Easter and £15 at Michaelmas.)

MONTGOMERY, 1228-9. H. de Burgo comes Kancie, iusticiarius Anglie, omnibus presentem cartam inspecturis salutem. Sciatis... (end of line torn) concessisse et presenti carta nostra confirmasse burgensibus nostris de Mungumery quod habeant villam nostram de Mungumery ad feodi firmam, videlicet omnes terras et omnia tenementa sua tam in Noua Mungumery quam in Veteri...omnia ad dictas terras et dicta tenementa pertinencia. Concessimus etiam eisdem burgensibus quod habeant ferias et mercata cum gilda mercatoria et cum omnibus libertatibus et liberis consuetudinibus ad dictas ferias et dicta mercata pertinentibus, habenda et tenenda predictis burgensibus et heredibus eorum de nobis et heredibus nostris ad feodi firmam: Reddendo inde nobis et heredibus nostris annuatim sexaginta marcas argenti ad duos terminos scilicet ad festum sancti Michaelis triginta marcas et ad Pascha triginta marcas. Et sciendum est quod retinuimus ad opus nostrum aduocationem ecclesie dicte ville de Mungumery et molendina et placita corone et quandam placeam competentem ad grangias et bouerias nostras [infra] nouam villam de Mungumery iuxta portam uersus Cherebir'; Et terra[m] que fuit Symonis de Hauberdin et nouam balliam que extendit a uia uersus Bedewin usque ad castrum nostrum. Retinuimus etiam ad opus...et heredum nostrorum homagia et seruicia Ric' Launce.

Thom' de Keuilok. Wilti Sage. Wilti Postel. et Walt' filii Neste de terris et tenementis que de nobis tenent in Veteri Mungumery. Et volumus et concedimus pro nobis et heredibus nostris quod predicti Ric'. Th'. Wilts. Wilts et Walċ. et heredes eorum sint in communi infra firmam predictam cum ceteris burgensibus nostris de terris, redditibus et mercandisis quas habent in[fra] predictam nouam villam de Mungumery.

(H[ubert] de Burgh earl of Kent, justiciar of England, to all who shall inspect the present charter, greeting. Know ye...that we have granted and by our present charter confirmed to our burgesses of Montgomery that they shall have our town of Montgomery at fee farm, viz. all their lands and all their tenements as well in New Montgomery as in Old [Montgomery and] all appurtenances of the said lands and tenements. We have granted also to the said burgesses that they shall have [their] fairs and markets, with the guild merchant and with all liberties and free customs belonging to the said fairs and markets, to have and to hold to the aforesaid burgesses and their heirs of us and our heirs at fee farm: Paying therefor to us, etc. yearly 60 marks of silver, to wit at Michaelmas 30 marks and at Easter 30 marks.

And be it known that we have retained for our own use the advowson of the church of the said town of Montgomery and the mills and pleas of the crown and a certain suitable site for our granges and oxtalls [within] the new town of Montgomery near the gate towards Chirbury; and the land late of Simon de Hauberdin and the new bailey which extends from the Bedewin road to the castle. We have also retained for our use and that of our heirs the homages and services of Richard Launce, Thomas de Keuilok, William Sage, William Postel and Walter fitz Neste for the lands and tenements which they hold of us in Old Montgomery. And we will and grant for us, etc. that the aforesaid Richard, etc. and their heirs shall be in common with our other burgesses in that farm for the lands, rents and merchandise which they hold within the new town of Montgomery.)

BASINGSTOKE, 1228. Sciatis nos concessisse et...hominibus nostris de Basingstok' manerium nostrum de Basingstok' cum in-hundredo et omnibus aliis ad firmam illius manerii pertinentibus, tenendum de nobis et heredibus nostris illis et heredibus suis ad feodifirmam per antiquam firmam lii librarum blanc. quas reddere solebant per annum et lii solidos quos vicecomes Suhamton' percipere solet ab eis pro blanc. et per xviii libras de cremento, insuper nobis per annum reddendas. Ita quod per totum reddent lxxii libras et xii s. numero per annum, scilicet unam medietatem ad Pascha et aliam medietatem ad festum sancti Michaelis ad scaccarium nostrum¹.

(Know ye that we have granted and...to our men of Basingstoke our manor of Basingstoke with the in-hundred and all else belonging to the farm of the manor, to hold of us and our heirs at fee farm by the ancient farm of £52 blanch which they used to pay yearly and 52s. which the sheriff of Hampshire is wont to take from them for blanching and by £18 increase also to be paid to us. So that in all they will pay £72. 12s. tale yearly, namely one half at Easter and the other half at Michaelmas at our exchequer.)

¹ In the first charter of 1256 the fee farm was regranted at a rent of £80.

PORTSMOUTH, 1229 (*a*). Sciatis nos concessisse et hac carta nostra confirmasse hominibus nostris de Portesm', pro nobis et heredibus nostris, quod ipsi et heredes sui in perpetuum habeant et teneant villam nostram de Portesm', cum omnibus pertinenciis suis, ad feodifirmam, reddendo inde per manum suam ad scaccarium sancti Michaelis per annum viginti libras, allocatis eisdem [de] eisdem xx. *li.* xxxv. *s.* et iiij. *d'* singulis annis pro terra quam Ricardus de Landa tenet de dono Domini J. regis patris nostri in Kingeston quod est membrum predicte ville nostre de Portesm', sicut iidem homines nostri de Portesm' prius nobis reddere solebant per annum decem et octo libras per manum uiccomitis, similiter allocatis eis tunc temporis predictis xxxv. *s.* et iiij. *d'* in predicta firma xvij. librarum.

(Know ye that we have granted...to our men of Portsmouth, for ourselves and our heirs, that they and their heirs for ever shall have and hold our town of Portsmouth, with all its appurtenances, at fee farm, paying therefor by their own hand £20 yearly at our Michaelmas exchequer, allowance being made to them on the said £20 of 35s. 4d. each year for the land which Richard de Landa holds of the gift of king John in Kingston, which is a member of our aforesaid town of Portsmouth, as our said men of Portsmouth used to pay yearly £18 by the hand of the sheriff, with a like allowance of the aforesaid 35s. 4d. in the said farm of £18.)

DROGHEDA (Louth), 1229. Concessimus eciam eisdem burgensibus et eorum heredibus quod habeant et teneant predictum burgum cum pertinenciis suis et aquam de Drogheda ad feodi firmam de nobis et heredibus nostris, per sexaginta marcas nobis et heredibus nostris singulis annis ad scaccarium nostrum Dublin per manus suas reddendas, videlicet triginta marcas ad festum Sancti Michaelis et triginta marcas ad Pascha.

(We have granted also to the same burgesses and their heirs that they may have and hold the aforesaid borough with its appurtenances and the water of Drogheda at fee farm of us and our heirs, for sixty marks, to be paid to us and our heirs every year at our exchequer at Dublin, to wit, thirty marks at Michaelmas and thirty marks at Easter.)

DROGHEDA (Meath), 1247.

Line 4. *For sexaginta read quadraginta.*

5. *For suas read prepositorum suorum.*

6. *For triginta read viginti (bis).*

DROGHEDA (Louth), 1253. Sciatis nos concessisse...burgensibus nostris de Drogheda versus Uriel quod ipsi et eorum heredes habeant et teneant burgum et aquam de Drogheda versus Uriel, cum omnibus pertinenciis, commodis et exitibus suis usitatis et cum omnibus libertatibus et liberis consuetudinibus quibus hucusque usi sunt temporibus predecessorum nostrorum, regum Anglie, et nostro, secundum quod melius et liberius ea tenuerunt et adhuc tenent, una cum libertatibus et quietanciis in priori carta nostra, quam habent, contentis, et cum liber-

tatibus subscriptis, salva nobis et heredibus nostris firma nostra in eadem carta contenta.

(Know ye that we have granted...to our burgesses of Drogheda towards Uriel that they and their heirs shall have and hold the borough and water of Drogheda towards Uriel, with all its accustomed appurtenances, advantages and issues and with all the liberties and free customs which they have hitherto used in the times of our predecessors, kings of England, and, in our time, as they best and most freely held them and still hold them, along with the liberties and quittances contained in our former charter which they have, and with the underwritten liberties, saving to us and our heirs the farm contained in the same charter.)

LIVERPOOL, 1229 (*b*). (Letters patent.) Sciatis quod concessimus probis hominibus nostris de Leuerepul villam nostram de Leuerepul habendam ad firmam a festo sancti Michaelis anno regni nostri xiii^o usque in quatuor annos completos; Reddendo inde nobis singulis annis predictis ad scaccarium nostrum per manum vicecomitis Lancastrie ad duos terminos decem libras, videlicet ad Pascham anno regni nostri xiii^o quinque libras et ad festum sancti Michaelis anno eodem quinque libras, et sic de anno in annum ad eosdem terminos decem libras, sicut predictum est.

(Know ye that we have granted to our good men of Liverpool our town of Liverpool to have at farm from the feast of St Michael in the 13th year of our reign to the end of four years; Rendering therefor to us in each of the aforesaid years £10 at our exchequer by the hand of our sheriff of Lancaster at two terms, viz. at Easter in the 13th year of our reign £5 and at the feast of St Michael in the same year £5, and so from year to year £10 at the same terms as is aforesaid.)

CASHEL, 1230. Noverint universitas vestra quod nos...dedimus concessimus et...confirmavimus...preposito et duodecim burgensibus ejusdem ville de Cassell, seu cujuscunque minoris numeri fuerint qui nunc sunt et qui pro tempore fuerint, imperpetuum villam nostram de Cassell predictum quam excellentissimus princeps Henricus...per litteras suas patentes quorum data est decimo quinto die Novembris anno regni sui tertio decimo nobis et successoribus imperpetuum in liberam, puram et perpetuam elemosinam, quietam ab omni exactione et servicio seculari, dederat et concesserat....Habend' et tenend' omnia et singula predicta villam, pasturam, hundredum et curiam cum omnibus suis juribus et pertinentiis, exceptis furno et macello preexceptis, prefato preposito et burgensibus, heredibus et successoribus suis de nobis et successoribus nostris imperpetuum, Reddendo annuatim nobis et heredibus nostris ex dictis villa et pastura cum pertinentiis capitalem redditum novem marcarum et ex hundredo et curia ipsius ville unam marcam currentis monete Hibernie per equales porciones ad festa Beati Michaelis et Pasche pro omni servicio.

(Know ye all that we have given, granted and...confirmed for ever to the provost and twelve burgesses of the same town of Cashel or of whatever less number the burgesses may be, who now are, and may be for the time being, our town of Cashel aforesaid, which the most excellent prince Henry...by his letters patent dated the 25th day of November in the thirteenth year of his reign, gave and granted to us and our successors for ever in free, pure and perpetual alms quit of all secular exaction and service....To have and to hold all and singular the aforesaid town, pasture, hundred and court with all their rights and appurtenances, except the oven and shambles before excepted, unto the aforesaid provost and burgesses, their heirs and successors, of us and our successors for ever, Rendering yearly to us and our heirs from the said town and pasture with their appurtenances the chief rent of nine marks, and from the hundred and court of the same town one mark of current money of Ireland, by equal portions at the feasts of St Michael and Easter for all service.)

NOTTINGHAM, 1230¹. *Preterea concessimus...eisdem burgensibus et eorum heredibus quod predictam firmam eiusdem burgi, videlicet quinquaginta et duas libras blancas, reddant nobis per manum suam ad scaccarium nostrum ad duos terminos, scilicet, viginti et sex libras ad Clausum Pasche et viginti et sex libras in octabis Sancti Michaelis, et quod ipsi et eorum heredes habeant et teneant predictam villam per predictam firmam quinquaginta duarum librarum blancarum, sicut predictum est.*

(Moreover, we have granted to the said burgesses and their heirs that they shall pay the aforesaid farm of the said borough, to wit £52 blanchd, by their own hand at our exchequer at the two terms, to wit, £26 at Easter, and £26 in the octave of St Michael, and that they and their heirs shall hold the aforesaid town by the aforesaid farm of £52 blanchd as is aforesaid.)

NOTTINGHAM, 1284. (After restoration of the borough to the burgesses.) *Ita quod ipsi et eorum successores reddant de eadem villa nobis et heredibus nostris singulis annis ad scaccarium nostrum quinquaginta et duas libras in forma qua prius eas inde nobis reddere consueverunt, et quod octo libras de incremento nobis et heredibus nostris inde nihilominus reddant annuatim.*

(Provided that they and their successors pay from the said town to us and our heirs every year at our exchequer £52 in manner in which they were formerly wont to pay them to us, and that nevertheless they pay an increment of £8 to us and our heirs yearly therefrom.)

WATERFORD, 1232. *Sciatis nos concessisse...civibus nostris Waterfordie quod ipsi et heredes sui habeant et teneant civitatem Waterfordie cum pertinentiis suis ad feodi firmam pro centum marcis ad scaccarium nostrum Dublin' annuatim reddendis ad duos terminos, videlicet, ad Pascham quinquaginta marcas et ad festum S. Michaelis quinquaginta marcas.*

(Know ye that we have granted...to our citizens of Waterford that they and their heirs may have and hold the city of Waterford with its appurtenances

¹ Possibly only a regrant. Cf. vol. 1, p. 244.

at fee farm for 100 marks a year to be paid at our exchequer at Dublin at the two terms, to wit, 50 marks at Easter and 50 marks at Michaelmas.)

CORK, 1242.

Line 3. *For centum read quattuor viginti.*

5. *For Pascham read festum Pasche.*

Lines 5 and 6. *For quinquaginta read quadraginta.*

CANTERBURY, 1234. Sciatis quod concessimus...civibus nostris Cantuar' quod ipsi et heredes eorum habeant et teneant de nobis et heredibus nostris imperpetuum civitatem nostram Cantuarie ad firmam pro sexaginta libris sterlingorum singulis annis per manum suam ad scaccarium nostrum nobis et heredibus nostris reddendis, videlicet ad scaccarium Pasche triginta libras et ad scaccarium S. Michaelis triginta libras.

(Know ye that we have granted to our citizens of Canterbury that they and their heirs may have and hold of us and our heirs for ever our city of Canterbury at farm for £60 sterling to be paid every year by their own hand at our exchequer to us and our heirs, to wit, £30 at the Easter exchequer and £30 at the Michaelmas exchequer.)

NEWCASTLE-ON-TYNE, 1234 (a). As Newcastle, 1213¹.

Line 4. *Omit annuatim inde.*

After reddendis read ad scaccarium S. Michaelis, quas prius reddere solebant.

5. *For manum suam read cartam domini Johannis regis patris nostri.*

DUNHEVED, 1225-56. Concessimus etiam ipsis et heredibus suis ...respondere de firma ipsius burgi ad Pascha et in festo S. Michaelis annuatim nobis vel ballivis nostris, scilicet de centum solidis, et prioratui S. Stephani de Lanst. de sexaginta et quinque solidis et decem denariis, et leprosis S. Leonardi de Lanst. de centum solidis de elemosina nostra.

(We have also granted to them and their heirs that they shall answer for the farm of the same borough at Easter and Michaelmas yearly to us or our bailiffs, to wit, for one hundred shillings, and to the priory of St Stephen of Launceston, 65s. 10d., and to the lepers of St Leonard of Launceston, 100s. of our alms.)

PLYMPTON, 1242. Notum sit vobis nos concessisse et tradidisse dilectis et fidelibus burgensibus nostris de Plimpton totum burgum nostrum de Plympton cum foro et nundinis et omnibus pertinenciis suis ad dictum burgum spectantibus, Tenendum et habendum sibi et heredibus suis de nobis et heredibus nostris in perpetuum adeo libere et quiete, cum omnibus libertatibus et liberis consuetudinibus, eo modo sicut cives Exon. melius vel liberius habent vel habere debent in civitate sua Exon. quam de rege tenent...reddendo nobis et heredibus nostris dicti burgenses et heredes sui annuatim viginti quatuor libras et duos solidos et duos denarios ad quatuor anni terminos, videlicet ad Pascha sex libras et sex denarios et obolum, et ad festum S. Johannis Baptiste sex libras

¹ Vol. I, p. 227.

et sex denarios et obolum et ad festum Beati Michaelis sex libras et sex denarios et obolum et ad Natale Domini sex libras et sex denarios et obolum. Salvo nobis de cetero quicquid augere poterimus in redditibus assisis in burgagiis in terris nostris forinsecis extra burgum.

(Be it known to you that we have granted and delivered to our beloved and faithful burgesses of Plympton the whole of our borough of Plympton with the market and fair and all its appurtenances appertaining to the said borough to be had and holden to them and their heirs of us and our heirs for ever as freely and quietly with all liberties and free customs in the same manner as the citizens of Exeter best and most freely have or ought to have their liberties in their city of Exeter which they hold of the king...the said burgesses and their heirs rendering to us and our heirs annually £24. 2s. 2d. at four terms of the year, to wit, at Easter £6. os. 6½d., at the feast of St John the Baptist £6. os. 6½d., at Michaelmas £6. os. 6½d., and at Christmas £6. os. 6½d. Saving to us whatever increase we can henceforth make in the rents of assize of burgages in our foreign lands without the borough.)

FARNHAM, 1247. Noveritis nos concessisse et dimississe et ad feodi firmam tradidisse burgensibus nostris de Farnham totum burgum nostrum de Farnham et totam villam adjacentem cum omnibus eorum pertinentiis, exceptis huies levato, sanguine fuso et latronibus captis et eorum catallis receptis, escaetis omnium terrarum et tenementorum suorum, exceptis Willelmo le Parker, Gervasio de Snellessynche, Clitone Burton, qui nobis in capite respondebunt sicut prius consueverunt.... Et pro ista dimissione, concessione et ad feodi firmam tradicionem predicti burgenses et heredes sui dabunt annuatim nobis et successoribus nostris per manus prepositi nostri de Farnham duodecim libras argenti ad Hokeday et ad festum Sancti Martini pro equali porcione, ubi aliquo tempore tantum novem libras reddere consueverunt.

(Know ye that we have granted, demised and at fee farm delivered to our burgesses of Farnham the whole borough of Farnham and the whole vill adjoining with all their appurtenances, except the raising of hue and cry, bloodshed, captured thieves and receipt of their chattels, and excepting the escheats of all their lands and tenements, and excepting William the Parker, Gervase of Snellessynche and Clito Burton who shall answer to us in chief as they were previously wont to do.

And for this grant, demise and delivery at fee farm the aforesaid burgesses and their heirs shall pay yearly to us and our successors by the hands of our reeve of Farnham £12 of silver at Hokeday and Martinmas in equal portions, where formerly they used to pay only £9.)

NEWCASTLE-UNDER-LYME, 1251¹. Sciatis quod concessimus etc....maiori et burgensibus nostris Noui Castri subtus Lyam quod ipsi de cetero singulis annis per manus suas colligere possint firmam suam quam nobis debent per annum et eam soluere terminis statutis balliuo nostro qui pro tempore fuerit ibidem ad duos terminos, uidelicet

¹ See also p. 322.

medietatem ad Pascha et medietatem ad festum sancti Michaelis. Volumus etiam et concedimus quod quamdiu terminos pacacionis firme sue tenuerint nec cessauerint a solucione nobis debita, nullus uicecomes seu alius balliuus uel minister noster uel heredum nostrorum predictos burgenses nostros distringat aut fatiget inperpetuum pro firma antedicta.

(Know ye that we have granted, etc....to our mayor and burgesses of New-castle-under-Lyme that they shall henceforth in each year collect with their own hands the farm which they owe us yearly and pay it at the fixed times to our bailiff for the time being there at two terms, viz. half at Easter and half at Michaelmas. We will and grant that so long as they shall observe the terms of payment of their farm and shall not fail in due payment, no sheriff or other bailiff or minister of ours or of our heirs shall distrain our aforesaid burgesses or trouble them for the said farm for ever.)

KILMACLENINE, 1251 (*a*). Sciant presentes et futuri quod ego Frater Daniel, miseratione divina episcopus Clone, dedi concessi et ...confirmavi dilectis filiis meis, burgensibus de Kilmaclenyn et eorum heredibus, (terram) de Kilmaclenyn prout melius et liberius per venerabilem patrem nostrum fratrem David, Dei gratia quondam episcopum Clone, fuit mensurata et perambulata, excepta particula terrae contentiosae quam ipsi burgenses pro se et heredibus suis nobis et successoribus nostris quietam et liberam clamaverunt, necnon exceptis terris quas Johannes de Cardygan et sui tenentes in villa antedicta tenuerunt, in perpetuum tenendam et habendam a nobis et successoribus nostris ipsis burgensibus et eorum heredibus integre &c., cum omnibus libertatibus et liberis consuetudinibus quas nos et successores nostri ipsis burgensibus dare possumus ac warrantizare debemus, reddendo nobis et successoribus nostris annuatim dicti burgenses et heredes ipsorum x marcas sterlingorum ad duos anni terminos solvendas, videlicet v marcas ad festum Pasche et alias v marcas ad festum beati Michaelis pro omni servitio, actione et demanda, excepta portione redditus excrescentis terrae dicti Johannis et ejus tenentes contingentis.

(Know all men present and future, that I, brother Daniel, by God's mercy bishop of Cloyne, have given...to my beloved sons, the burgesses of Kilmaclenine and their heirs (the land) of Kilmaclenine, as it was best and most freely measured and perambulated by our father, brother David, formerly bishop of Cloyne, except a piece of land in dispute which the same burgesses for themselves and their heirs have quitclaimed to us and our successors and also excepting those lands which John of Cardigan and his tenants held in the before-mentioned town, to hold and to have for ever of us and our successors to them and their heirs completely etc., with all the liberties and free customs which we and our successors can give and warrant to the same burgesses; the said burgesses and their heirs rendering to us and our successors ten marks sterling to be paid at two terms of the year, to wit at Easter 5 marks, and the other 5 marks at Michaelmas, for all service, exaction and demand, except the portion of rent arising from the land of the said John and his tenants.)

KILMACLENINE, 1251 (b). Noverit universitas vestra nos, utilitate ecclesiae Clonensis compensata, donationem, concessionem et collocationem terrae de Kylmaclenyn burgensibus de Kylmaclenyn et eorum heredibus per venerabilem patrem nostrum fratrem Danielelem episcopum Clone pro se et successoribus suis factam, ratam habentes eandem, prout carta Danielis super hoc confecta melius et plenius testatur, confirmasse pro nobis et successoribus nostris in futurum.

(Be it known unto you all that, the interest of the church of Cloyne having been compensated, we have confirmed for us and our successors in the future, the gift of the land of Kilmaclenine made to the burgesses of Kilmaclenine by our venerable father in God, brother Daniel, bishop of Cloyne for himself and his successors, ratifying the gift, as the charter of the said Daniel made on this matter, better and more fully bears witness.)

YORK, 1252¹. Et quod iidem cives reddant nobis singulis annis ad scaccarium nostrum firmam suam terminis statutis et consuetis per manum suam propriam.

(And that the said citizens pay us their farm every year at our exchequer at the fixed and wonted terms by their own hand.)

BRIDPORT, 1253. Quod iidem homines et eorum heredes imperpetuum habeant et teneant burgum illum liberum cum omnibus libertatibus et liberis consuetudinibus ad huiusmodi burgum pertinentibus: Reddendo inde singulis annis ad scaccarium nostrum St Michaelis firmam quam pro predicta villa prius reddiderunt cum quadraginta solidis de incremento. Salvis nobis et heredibus nostris juribus nostris in eadem villa ad nos pertinentibus et omnibus aliis serviciis nobis inde debitis et consuetis sicut in² libero burgo nostro.

(That the same burgesses and their heirs may have and hold for ever that free borough with all liberties and free customs pertaining to a borough of this kind: Rendering thence every year at our Michaelmas Exchequer the farm which they formerly paid for the aforesaid town with forty shillings increase. Saving to us and our heirs our rights in the aforesaid town pertaining to us, and all other services thence owing to us and accustomed as in our free borough.)

SCARBOROUGH, 1253 (c). Concedimus eciam et confirmamus eisdem burgensibus villam de Escardeburgh cum omnibus pertinentiis et libertatibus suis et cum omnibus rebus ad firmam eiusdem ville pertinentibus, habendam et tenendam eis et heredibus suis de nobis et heredibus nostris pro firma quam nunc nobis reddunt, scilicet pro sexaginta et sex libris nobis annuatim reddendis ad scaccarium nostrum Sancti Michaelis bene &c. cum omnibus libertatibus et liberis consuetudinibus ad firmam eiusdem ville pertinentibus.

(We also grant and confirm to the said burgesses the town of Scarborough with all its appurtenances and liberties and with all matters to the farm of

¹ See vol. I, p. 230. The farm was £160.

² Charter Roll 37 Hen. III, m. 2; "de" in Willis, *Notitia Parliamentaria*, II, 542.

the said town pertaining, to have and to hold to them and their heirs of us and our heirs for the farm which they now pay to us, to wit, for £66 to be paid to us yearly at our Michaelmas Exchequer well, etc., with all the liberties and free customs to the farm of the same town pertaining.)

BAMBURGH, 1255. Noueritis nos concessisse, dimisisse et carta nostra confirmasse probis hominibus nostris de Bamburg' villam nostram de Bamburg' ad feodi firmam pro viginti et sex marcis argenti nobis et heredibus nostris per manum suam annuatim reddendis ad scaccarium nostrum Pasche; saluis nobis talliagiis, redditibus, escaetis, wardis, maritagiiis, prisis et aliis assisis nostris in villa et in portu eiusdem ville¹.

(Know ye that we have granted, etc. to our good men of Bamburgh our town of Bamburgh at fee farm for 26 marks of silver to be paid to us and our heirs yearly at our Easter exchequer; saving to us our tallages, escheats, wards, marriages, prises and other assizes in the town and the port of the same town.)

GRIMSBY, 1256. Sciatis nos concessisse....majori et probis hominibus de Grymesby villam nostram de Grymesby cum purpresturis nunc factis ibidem et omnibus aliis ad firmam ejusdem ville pertinentibus, salvis nobis et heredibus nostris advocationibus ecclesiarum de Grymesby et Scartho et aliis redditibus si que sunt extra firmam nostram predictam, Habendam et tenendam eisdem hominibus et heredibus suis ad feodi firmam imperpetuum bene et in pace, libere et quiete cum omnibus libertatibus et liberis consuetudinibus ad predictam villam pertinentibus; Reddendo inde singulis annis ad scaccarium nostrum infra quindenam S. Michaelis per manum suam propriam quinquaginta libras sterlingorum numero ubi prius nobis respondere consueverunt de centum et undecim libras de firma ville predicte et de xxiii libris et xii solidis pro purpresturis nunc factis. Ita quod, eis omnibus allocationibus [? factis] que eis prius fieri consueverunt, reddant nobis singulis annis per manum suam ad predictum scaccarium predictas quinquaginta libras de claro ad terminum supradictum.

(Know ye that we have granted to the mayor and good men of Grimsby their town of Grimsby with the purprestures now made there and all other things pertaining to the farm of the said town, saving to us and our heirs the advowsons of the churches of Grimsby and Scartho, and the other rents, if there be any, outside our aforesaid farm, To have and to hold to them and their heirs at fee farm for ever well and peacefully, freely and quietly with all liberties and free customs to the said town pertaining, rendering thence every year at our exchequer within the Quindene of Michaelmas by their own hand £50 sterling by tale, where formerly they were wont to answer for £111 for the farm of the aforesaid town and £23. 12s. for the purprestures now made. So that all allowances being made to them which were formerly wont to be made, they shall pay us every year by their own hand at our aforesaid exchequer £50 net at the aforesaid term.) Cf. p. 305.

¹ For the non-intromittat clause which follows see IV A 5 (a).

ORFORD, 1256 (*b*). Sciatis nos concessisse et hac carta nostra confirmasse probis hominibus nostris de Oreford villam nostram de Oreford cum molendino nostro et marisco eiusdem ville, Saluo nobis et heredibus nostris castro nostro eiusdem ville, habendam et tenendam eisdem hominibus et eorum heredibus de nobis et heredibus nostris ad feodi firmam imperpetuum cum omnibus ad firmam eiusdem ville pertinentibus: Reddendo inde singulis annis ad scaccarium nostrum triginta libras sterlingorum numero, videlicet quindecim libras in quindena sancti Michaelis et quindecim libras in quindena Pasche.

(Know ye that we have granted and by this our charter confirmed to our good men of Orford our town of Orford, with our mill and the marsh of the said town, saving to us, etc. our castle of the said town, to have and to hold to the said men and their heirs of us and our heirs at fee farm for ever, with all appurtenances of the farm of the said town: Paying thence yearly at our exchequer £30 sterling by tale, viz. £15 a fortnight after Michaelmas and £15 a fortnight after Easter.)

EXETER, 1259 (*a*) (*b*). Nos Ricardus Dei Gratia Romanorum Rex semper Augustus concessimus...quod maiores, ballivi et cives nostri Exonienses et eorum heredes imperpetuum habeant et teneant civitatem nostram Exon. ad feodifirmam pro antiqua et debita firma quam ipsi et eorum antecessores reddere solebant, tempore quo dicta civitas fuit in eorundem manibus, antecessoribus et progenitoribus nostris et nobis, videlicet pro tresdecim¹ libris et ix solidis sterlingorum nobis et heredibus nostris singulis annis ad duos terminos solvendis, videlicet ad Pascha unam medietatem et ad festum S. Michaelis aliam medietatem, Faciendo insuper ipsi et eorum heredes omnes et singulos redditus et donationes quas antecessores et progenitores nostri per suas cartas fecerunt et donaverunt.

(We, Richard, by the Grace of God King of the Romans, ever August, have granted...that the mayors, bailiffs and citizens of Exeter and their heirs shall have and hold their city of Exeter for ever at fee farm, for the ancient and wonted farm which they and their predecessors were wont to pay at the time when the city was in their hands, to our ancestors and progenitors and also to us, namely for £13. 9s. sterling to be paid to us and our heirs every year at the two terms, namely, at Easter one moiety and at Michaelmas the other moiety. They and their heirs, moreover, paying all and singular the rents and gifts which our predecessors and progenitors created and gave by their charters.)

HELSTON, 1260. Concessimus etiam eis...villam suam cum pertinentiis et cum molendinis... (see p. 338) et cum triginta tribus acris terre assisis (see p. 336) habendam et tenendam ad feodi firmam de nobis et heredibus nostris eis et heredibus suis, Reddendo inde annuatim nobis et heredibus nostris per manus suas duodecim libras argenti ad duos

¹ The Calendar of the Charter Rolls prints £15, but the text most distinctly is £13. For a slightly earlier charter to the same effect see critical notes.

anni terminos, videlicet ad pascha sex libras et ad festum S. Michaelis sex libras.

(We have also granted to them their town with its appurtenances and with the mills...and with 33 acres of land....To be had and holden at fee farm of us and our heirs to them and their heirs, Rendering thence yearly to us and our heirs by their own hands £12 at the two terms of the year, to wit, at Easter £6, and at Michaelmas £6.)

BRECON, 1277-82. Sciatis nos concessisse et...confirmasse omnibus burgensibus nostris de Brechan et eorum heredibus totum burgum nostrum Brechan unacum villa nostra de Luwell et cum toto suburbio predicto burgo Brechan spectante videlicet...(here follow boundaries)...et cum aliis omnibus pertinentiis ad predictum burgum Brechan et villam de Luwell pertinentibus, in redditibus totius burgi Brechon et suburbii et ville de Luwell, tolneto¹ tam de burgo et villa predictis quam de tolneto ultramontanorum², et omnimodis placitis et perquisitis, prisis cervisie tam de burgo Brechon quam de villa de Luwell, prisis poudrellorum, mensuris, purpresturis, frecheforcis et omnibus placitis tam per breve nostrum quam sine brevi, incremento³ burgagiorum prout melius viderint expediri ad predictum burgum infra metas predictas et predictam villam de Luwell, et cum muragio Brechon et cum omnibus forinsecis tolnetis per limites totius terre nostre Brechon pertinentibus, Reddendo inde annuatim nobis et heredibus nostris predicti burgenses et heredes sui imperpetuum sex viginti decem marcas argenti pro omnibus secularibus rebus, servitiis et demandis, videlicet sexaginta quinque marcas ad Annunciacionem Beate Marie et sexaginta quinque marcas argenti ad festum Beati Michaelis.

(Know ye that we have granted and confirmed to all our burgesses of Brecon and their heirs the whole of our borough of Brecon along with the vill of Llywel and with the whole of the suburb to the aforesaid borough of Brecon pertaining to wit,...(here follow boundaries)...and with all the other appurtenances to the aforesaid borough of Brecon and vill of Llywel pertaining, (to wit) in the rents of the whole of the borough of Brecon and suburb and the vill of Llywel, the toll as well from the borough and vill aforesaid as from the toll of the men from beyond the mountain, and all manners of pleas and perquisites and prises of beer both from the borough of Brecon and the vill of Llywel, the prises of colts, measures, encroachments, fresh forces, and all pleas both by our writ and without writ, the increment of the burgages, as they think most expedient for the aforesaid borough, within the aforesaid boundaries and the aforesaid vill of Llywel, and with the murage of Brecon and all the foreign tolls throughout the limits of all our land of Brecon, the aforesaid burgesses and their heirs for ever rendering thence yearly to us and our heirs six score and ten marks of silver for all secular matters, services and demands, to wit, 65 marks at Lady Day and 65 marks of silver at Michaelmas.)

¹ Corrected from "tolnetum"

² Corrected from "ultramontanos."

³ Corrected from "incrementii."

CLOYNE, 1238-65. Sciant presentes et futuri quod ego frater Daniel, miseratione divina Clone episcopus, dedi...civibus meis de Clone, cujuscunque nationis sint, burgagium quod tenent de me et de successoribus meis in eadem civitate, octo acras ad singulos spectantes, tenendum et habendum de me et successoribus meis sibi et heredibus suis libere &c....in bosco &c....reddendo inde annuatim mihi et successoribus meis ipsi cives et sui heredes de tota terra quae per venerabilem patrem David quondam Clone episcopum pro se et suis successoribus dictis civibus et eorum heredibus ex parte aquilonali dictae civitatis fuit mensurata et perambulata, novem marcas sterlingorum, solvendas¹ ad duos anni terminos videlicet ad festa Pasche et Michaelis per equales portiones, pro omni servitio, exactione, indebitis (*sic*) et demanda.

(Know all men present and future that I, brother Daniel, by God's pity bishop of Cloyne, have given to my citizens of Cloyne of whatever nation they are, the burgage which they hold of me and my successors in the same city, namely eight acres pertaining to each of them, to hold and to have of me and my successors to them and their heirs freely, etc. in wood, etc., the said citizens and their heirs rendering thence yearly to me and my successors, for the whole of the land which was measured and perambulated by the venerable father David, once bishop of Cloyne, for himself and his successors to the said citizens and their heirs on the northern side of the said city, nine marks sterling, to be paid at the two terms of the year, to wit, at Easter and Michaelmas in equal portions for all service, exaction, debt and demand.)

RICHMOND, 1268. Johannes nuper comes de Richemond², per nomen Johannis primogeniti Johannis ducis Brittaniae, concessit et confirmavit tunc burgensibus suis de Richemond...burgum predictum per nomen burgi sui de Richemond imperpetuum cum foro, nundinis et tolnetis et cum omnibus redditibus assisis, attachiamentis et placitis dicti burgi, et quod haberent et tenerent similiter totum dominicum suum de Richemond quod vocatur terra de Fontenay cum pertinentiis, et ulterius...concessit quod haberent sibi et heredibus suis predictis totam pasturam de Wittekliff et cum omnibus aliis pertinentiis, libertatibus, aisiamentis et liberis consuetudinibus ad dictos burgum et terram de Fontenay ubicunque pertinentibus infra villam et extra in moris &c....exceptis tinctoria de Richemond et tribus acris terrae quas Jordanus plumbarius aliquando tenuit, tenenda et habenda dictis tunc burgensibus et eorum heredibus libere &c. cum omni jure et districtu dicti burgi de ipso Johanne et heredibus suis imperpetuum, adeo quidem libere et quiete sicuti dicti tunc burgenses et eorum antecessores predictos burgum et terram cum pertinentiis aliquo tempore liberius et quietius aut melius habuerunt aut tenuerunt: reddendo inde annuatim eidem Johanni et heredibus suis quadraginta libras sterlingorum ad

¹ Corrected from "nomine marcae...solvendo."

² The source is a 15th century recital.

terminos predictos pro omnibus supradictis, obediendo tamen eidem Johanni et heredibus suis tanquam domino principali.

(John, formerly earl of Richmond, by the name of John, eldest son of John duke of Brittany, granted and confirmed to his then burgesses of Richmond and their heirs...the borough aforesaid by the name of his borough of Richmond for ever with the market, fairs and tolls, and with all the rents of assize, attachments and pleas of the said borough, and that they should likewise have and hold all his demesne which is called the land of Fontenay with its appurtenances, and he further granted that they should have to them and their heirs all the pasture of Wittcliff, and with all other appurtenances, liberties, easements and free customs to the said borough and land of Fontenay everywhere pertaining, within the town and without, in moors, etc....excepting the dyehouse of Richmond and three acres of land which John the leadworker once held, to hold and to have to the said burgesses and their heirs freely, etc. with every right and power of distraint of the said borough, of the said John and his heirs for ever, as freely and quietly as the said burgesses and their ancestors at any time most freely and quietly and best had or held the aforesaid borough and land with their appurtenances, Yielding therefor yearly to the said John and his heirs £40 sterling¹ at the terms aforesaid for all things above mentioned, and obeying nevertheless the said John and his heirs as chief lord.)

LISKEARD, 1275. Sciatis nos...concessisse ad feodi firmam dilectis et fidelibus burgensibus nostris de Liskereth et eorum heredibus totum burgum nostrum de Liskereth cum redditu eiusdem burgi et cum molen-
dinis nostris de Bodgara et Lamulle, cum pratis spectantibus ad predicta molendina, et montem cum tolneto mercati et nundinarum similiter cum omnibus finibus, placitis et perquisitis eiusdem burgi ad nos et heredes nostros spectantibus, exceptis placitis corone cum acciderint, Pro decem et octo libris sterlingorum solvendis nobis et heredibus nostris per manus seneschalli nostri Cornubie ad duos anni terminos, videlicet, unam medietatem ad Pascham et aliam medietatem ad festum S. Michaelis per annum pro omni servicio.

(Know ye that we have granted at fee farm to our beloved and faithful burgesses of Liskeard and their heirs all our borough of Liskeard with the rent of the said borough, and with the mills of Bodgara and Lamullyon, with the meadows to the aforesaid mills belonging, and the mount with the toll of the market and the fairs, likewise with all the fines, pleas and perquisites of the same borough to us and our heirs belonging, except the pleas of the crown when they shall happen, For £18 sterling to be paid to us and our heirs by the hand of our steward of Cornwall at two terms of the year, to wit, one moiety at Easter, and the other moiety at Michaelmas, every year, for all service.)

RETFORD, 1276. Sciatis nos concessisse...burgensibus nostris de Retford quod ipsi et eorum heredes de cetero habeant et teneant ad feodifirmam de nobis et heredibus nostris imperpetuum villam nostram de Retford cum pertinentiis, reddendo inde nobis et heredibus nostris

¹ This was an increase on the old farm which was only £29.

per manus suas proprias decem libras per annum ad scaccarium nostrum Sancti Michaelis pro omnibus serviciis et exactionibus ad nos vel heredes nostros inde pertinentibus.

(Know ye that we have granted...to our burgesses of Retford that they and their heirs shall have and hold at fee farm of us and our heirs for ever our town of Retford with its appurtenances, rendering thence to us and our heirs by their own hands ten pounds per annum at our Michaelmas exchequer for all services and exactions thence pertaining to us or our heirs.)

DUNWICH, 1279¹. Sciatis quod concessimus...burgensibus et probis hominibus de Dunewyco villam predictam cum pertinentiis, habendam sibi et heredibus vel successoribus de nobis et heredibus nostris ad firmam imperpetuum, reddendo inde per annum ad scaccarium nostrum sexaginta et quinque libras, unam, videlicet, medietatem ad scaccarium nostrum Pasche et aliam medietatem ad scaccarium nostrum S. Michaelis. Ita quod elemosinam nostram constitutam de qua temporibus retroactis onerati fuerant terminis consuetis persolvant de firma predicta, quam eis singulis annis ad scaccarium predictum in eadem firma volumus allocari. Ita etiam quod bene et fideliter se habeant et mercatoribus alienigenis et indigenis necnon et pauperibus eiusdem ville et aliis in eadem villa fieri faciant justicie complementum.

(Know ye that we have granted to the burgesses and good men of Dunwich the aforesaid town with its appurtenances, to hold to them and their heirs or successors of us and our heirs at farm for ever, rendering thence per annum at our exchequer £65, to wit, one moiety at our Easter exchequer, and the other moiety at our Michaelmas exchequer, provided that they pay out of the aforesaid farm at the accustomed terms our appointed alms with which they have been charged in times past, which we will shall be allowed to them from the said farm every year at the aforesaid exchequer; Provided also that they behave themselves well and faithfully to the merchants both foreign and English, and also that they cause full justice to be done to the poor and others in the same town.)

CLITHEROE, 1272-91. Concessimus etiam...dictis burgensibus firmas ville de Clyderhow et placita curie ejusdem ville cum exitibus et amerciamentis dictis placitis et curie ville pertinentibus....

Tenenda et habenda omnia predicta sicut predictum est cum omnibus suis pertinentiis dictis burgensibus vel heredibus suis vel suis assignatis libere &c. de nobis et heredibus nostris imperpetuum, reddendo inde annuatim dicti burgenses et heredes sui vel sui assignati nobis et heredibus nostris decem marcas argenti ad festum Sancti Michaelis pro omni servicio nobis vel heredibus nostris pertinente.

(We have also granted to the said burgesses the farms of the town of Clitheroe, and the pleas of the same town, with the issues and amercements to

¹ The money farm had already been reduced from £120 to £80 in 1205 (vol. I, p. 225). Nothing is said now of the 24,000 herrings and one mark then included in the farm. [For Brecon, 1277-82, see p. 317.]

the said pleas and court of the town pertaining....To hold and to have all the premises as is aforesaid with all their appurtenances to the said burgesses their heirs or assigns of us and our heirs for ever, rendering thence yearly, the said burgesses and their heirs or assigns to us and our heirs ten marks of silver at Michaelmas for all service pertaining to us or our heirs.)

APPLEBY, 1286. Volentes et concedentes quod, licet ipsi burgenses nostri firmam suam ville predictae per manus vicecomitis nostri Westmoreland nobis aliquamdiu solvere consueverunt, firmam eandem per manus ballivorum ejusdem ville de cetero solvent ad scaccarium nostrum ad terminos consuetos.

(Willing and granting that, although our said burgesses have been wont to pay their farm of the aforesaid town by the hands of the sheriff of Westmoreland, for the future they shall pay the same farm by the hands of the bailiffs of the said town to our exchequer at the wonted terms.)

NEW WINCHELSEA, 1288. Quia propter dampnum quod dilecti et fideles regis barones portus regis de Wynchelsea de villa sua per maris intemperiem, jam diu est, sustinuerunt, ac periculum quod eis indies imminet ibidem, rex dedit et concessit eisdem baronibus suis situm et placiam de Ihamme cum marisco, exceptis decem acris terre quas in placea predicta rex retinet ad opus suum, quos rex habuit ex concessione dilectorum et fidelium suorum Willielmi de Grandisono et Isabelle uxoris ejus, ad inhabitandas et ad villam suam de Wynchelsea ibidem faciendam et tenendam de rege et heredibus suis sibi et heredibus suis.... Et ita quod de firma ville ejusdem regi respondeatur per annum ad scaccarium regis per manus ballivi regis ibidem, sicut prius de predicta villa sua de Wynchelsea responderi consueverunt¹.

(Whereas, on account of the loss which our beloved and loyal barons have long since sustained by the violence of the sea and the danger which daily threatens them there, the king has given and granted to his said barons for their habitation the site and place of Iham with the marsh, excepting ten acres of land in the same place which the king retains for his own use) which site and place the king had by the grant of his beloved and loyal William de Grandison and Isabel his wife, and for the building there of his town of Winchelsea, to be held of the king and his heirs to them and their heirs....And that answer shall be made for the farm of the same town to the king every year at the exchequer of the king by the hand of the king's bailiff, as they were formerly wont to answer in respect of the aforesaid town of Winchelsea.)

NEWPORT (Isle of Wight), 1262-93. Et prefati burgenses et heredes eorum reddent singulis annis mihi et heredibus et assignatis meis pro omnibus messuagiis suis in eadem villa, exceptis messuagiis aedificatis in tredecim placeis et dimidia placea (quorum redditum una cum eschaeta et omnibus aliis rebus adhuc inde contingendis dedi et concessi Deo et capellae Beati Nicholai in castro meo de Caresbrok et

¹ In 1278 Winchelsea was paying a farm of £42 "during the king's pleasure" (Madox, *Hist. of Exch.* I, 335).

vicario eiusdem capellae, prout carta eius plenius protestatur) ad duos anni terminos decem et octo marcas, duos solidos et duos denarios, videlicet medietatem ad Pascham et alteram medietatem ad festum Sancti Michaelis: et leprosis hospitalis Sancti Augustini ad predictos terminos singulis annis unam marcam argenti de libera et perpetua elemosina mea, videlicet ad quemlibet terminorum predictorum dimidiam marcam.

(And the aforesaid burgesses and their heirs shall pay every year to me and my heirs and assigns for all their messuages in the said town, except the messuages built on 13½ places (whose rent with the escheats and all other contingencies thence arising I have given and granted to God and the Chapel of St Nicholas in my castle of Carisbrook and to the vicar of the said chapel as in his charter more fully appears) 18 marks 2s. 2d. at two terms of the year, to wit one moiety at Easter and the other moiety at Michaelmas: and to the lepers of the hospital of St Augustine one mark at the aforesaid terms of my free and perpetual alms, to wit half a mark at each term.)

NEWPORT (Isle of Wight), 1262-93. Reddendo inde annuatim mihi et heredibus vel assignatis meis pro predicta feudi firma molen-dinorum¹, thelonio, custuma, et amerciamentis decem et octo marcas argenti ad quattuor anni tempora, videlicet ad festum Sancti Michaelis sexaginta solidos, ad Natale Domini sexaginta solidos, ad festum Pasche sexaginta solidos et ad Nativitatem S. Johannis Baptiste sexaginta solidos, Et priori et monachis de Caresbrok duas marcas annuatim ad eosdem terminos per equales porciones de perpetua elemosina, pro omnibus servi-ciis secularibus, exactione et demanda.

(Rendering thence to us and our heirs or assigns for the aforesaid fee farm of the mills, for the toll, custom and amercements eighteen marks of silver at four times in the year, to wit, at Michaelmas 6os., at Christmas 6os., at Easter 6os. and at the feast of the Nativity of St John the Baptist 6os., And to the prior and monks of Carisbrook two marks annually at the same terms by equal portions as perpetual alms, for all secular services, exaction and demand.)

NEWCASTLE-UNDER-LYME, 1292-7. Omnibus ad quos presens scriptum pervenerit major et communitas burgi de Novo Castro subtus Lymam, salutem. Sciatis quod cum vendicaremus tenere predictum burgum cum pertinenciis ad feodi firmam, reddendo quadraginta marcas per annum ac nobilis vir dominus noster Edmundus, filius Henrici Regis Anglie, dixisset et intellexisset quod nos nihil juris haberemus ad tenendum dictum burgum ad feodi firmam immo ad voluntatem suam tantum, et super hoc dissencio suscitata fuerit; Nos juris cujuslibet si quod habuimus vel habere potuimus in hac parte omnino renunciantes, concedimus pro nobis et heredibus nostris quod predictus Edmundus et heredes sui habeant et teneant predictum burgum cum feria ad festum S. Egidii, mercatis, tolnetis, perquisitis curie, antiquis firmis, burgagiis, aula gilde, furnis, seldis arentatis, et aliis quibuscunque ad dominium

¹ See VI 8.

eiusdem burgi pertinentibus quoquo modo: Ita quod idem Edmundus et heredes sui de cetero inde ordinent et disponant pro sua voluntate tanquam de jure suo, Salvis nobis et heredibus nostris omnibus libertatibus nobis et heredibus concessis per cartas domini regis Henrici predicti et domini regis Edwardi filii ipsius Henrici.

(To all to whom the present writing shall come, the mayor and community of Newcastle-under-Lyme send greeting. Know ye, that whereas we claimed to hold the aforesaid borough with its appurtenances at fee farm, paying 40 marks per annum, and our noble lord Edmund, son of Henry King of England, said and understood that we had not right to hold the said borough at fee farm but only at his will, and on this matter a suit arose; We, entirely renouncing whatever right we had or might have, if any, grant for us and our heirs that the aforesaid Edmund and his heirs shall have and hold the aforesaid borough with the fair at St Giles' day, the markets, tolls, perquisites of court, farms, burgages, guildhall, ovens, rented stalls and other appurtenances whatsoever to the dominion of the said borough pertaining in any manner: So that the said Edmund and his heirs from henceforth may order and dispose of the same according to their will as of their right, Saving to us and our heirs the liberties granted to us and our heirs by the charters of king Henry and king Edward.)

SHEFFIELD, 1297. (Thos. de Furnival.) Noueritis me dimi[s]sisse, concessisse et ad feudi firmam tradidisse omnibus liberis tenentibus meis de villa de Schefeld et eorum heredibus omnia tofta, terras et tenementa quas de me tenent in villa predicta de Schefeld, tenenda et habenda de me et heredibus meis predictis tenentibus et eorum heredibus cum omnibus pertinenciis suis predictis toftis, terris et tenementis infra villam de Schefeld et extra pertinentibus in feudo et hereditate, libere, quiete, bene et in pace imperpetuum, ita quod libera warrenna mea per predictos tenentes non impediatur nec in aliqua perturbetur, reddendo inde annuatim mihi et heredibus meis predicti tenentes et eorum heredes sexaginta et octo solidos nouem denarios et quadrantem argenti ad duos anni terminos, s[c]ilicet medietatem ad Natale Domini et medietatem ad Natiuitatem Beati Johannis Baptiste, pro omnibus seruiciis et demandis, saluis mihi et heredibus meis fidelitate, escaetis et sectis cu[rie] mee de tenentibus predictis.

(Know ye that I have demised, granted and delivered in fee farm to all my free tenants of the town of Sheffield and their heirs all the tofts, lands and tenements which they hold of me in the aforesaid town of Sheffield, to hold and to have of me and my heirs to the aforesaid tenants and their heirs with all their appurtenances belonging to the aforesaid tofts, lands and tenements within the town of Sheffield and without, in fee and hereditly, freely, quietly, well, and in peace, for ever, (provided that my free warren be not hindered by the said tenants or in anywise disturbed) the said tenants and their heirs paying yearly therefor to me and my heirs £3. 8s. 9½d. of silver at two terms of the year, namely half at Christmas and half at the Nativity of St John the Baptist, in discharge of all services and demands, reserving to me and my heirs fealty, escheats, and suit of court from the said tenants.)

CHESTER, 1300. Preterea concessimus pro nobis et heredibus nostris civibus predictis civitatem nostram predictam, cum omnibus pertinenciis, libertatibus et liberis consuetudinibus suis, tenendam de nobis et heredibus nostris sibi et heredibus suis predictis imperpetuum, reddendo inde nobis et heredibus nostris ad scaccarium nostrum Cestrie centum libras, unam, videlicet, medietatem ad scaccarium nostrum S. Michaelis et alteram medietatem ad scaccarium nostrum Pasche.

(Moreover, we have granted for us and our heirs to our aforesaid citizens the city aforesaid with all its appurtenances, liberties and free customs, to hold of us and our heirs to them and their heirs aforesaid for ever, rendering thence to us and our heirs £100 at our exchequer of Chester, to wit, one moiety at our Michaelmas exchequer and the other moiety at our Easter exchequer.)

BERWICK, 1307. Sciatis nos concessisse...maiori et burgensibus ac toti communitati ville nostre Berewici super Twedam ipsam villam nostram cum molendinis et omnibus pertinenciis suis, et cum toftis et croftis et vacuis placeis nostris infra palicium eiusdem ville. Habendam et tenendam predictis maiori et burgensibus ac communitati et eorum heredibus vel assignatis, de nobis et heredibus nostris, cum molendinis et omnibus pertinenciis suis, et cum toftis et croftis et vacuis placeis nostris infra palicium eiusdem ville, et cum tronagio et pesagio et cum omnibus libertatibus, custumis, piscariis, et omnibus et singulis aliis pertinenciis suis que ad predictam villam pertinebant tempore bone memorie Alexandri quondam regis Scocie imperpetuum. Saluis nobis et heredibus nostris magna custuma lanarum, pellium lanutarum, et coriorum, et alia custuma nobis et heredibus nostris per mercatores nuper concessa, et etiam saluis nobis et heredibus nostris finibus, amerciamentis coram custode et camerario seu justic[iariis] nostris terre nostre Scocie quibuscumque, qui pro tempore fuerint, factis seu adiudicatis, redempcionibus, forisfactoris et aliis escaetis ad nos spectantibus in eadem. Reddendo inde annuatim nobis et heredibus nostris ad scaccarium nostrum Berewici quingentas marcas ad quatuor anni terminos, viz. ad festum sancti Michaelis centum et viginti et quinque marcas et ad festum Natalis Domini centum et viginti et quinque marcas et ad festum Pasche centum et viginti et quinque marcas et ad festum Natiuitatis sancti Johannis Baptiste, centum et viginti et quinque marcas pro omnibus seruiciis, exaccionibus, consuetudinibus et demandis quibuscumque.

(Know ye that we have granted...to the mayor and burgesses and the whole community of our town of Berwick-upon-Tweed our said town with the mills and all their appurtenances, and with our tofts and crofts and vacant places within the palisade of the said town. To have and to hold to the aforesaid mayor and burgesses and community and their heirs or assigns, of us and our heirs, with the mills, etc. (as above) and with tronage and pesage and with all liberties, customs, fisheries and all and singular their other appurtenances which belonged to the aforesaid town in the time of Alexander formerly king

of Scotland of good memory, for ever. Saving to us, etc., the great custom of woods, woolfells and hides and another custom lately granted to us, etc., by the merchants, and saving also to us, etc., fines [and] amercements made or adjudged before any warden, chamberlain or justices of our land of Scotland for the time being, ransoms, forfeitures and other escheats to us belonging in the same. Rendering therefor yearly to us, etc., at our exchequer of Berwick 500 marks, viz. 125 marks at each of the four terms of Michaelmas, Christmas, Easter and St John the Baptist's Nativity, for all services, exactions, customs and demands whatsoever.)

(1 a) Allowances from Farm

LONDON, 1253. Et volumus et precipimus...quod de firma civitatis nostrae Londoniarum allocentur vicecomitibus nostris eiusdem civitatis, annuatim in compoto ad scaccarium nostrum, septem librae pro libertate Sancti Pauli Londoniarum.

(And we will and order...that from the farm of our city of London, there shall be allowed to our sheriffs of the said city, annually in their account at our exchequer, seven pounds for the liberty of St Paul of London.)

(2) Earl's Right in Borough

LAUNCESTON, 1274. Nevertheless¹ one bailiff was to be elected from the prior and convent who should be bound by oath to the earl faithfully to collect the assize of bread and ale in the town and to answer to the earl or his attorney for one moiety of the same yearly at Christmas, etc.

(3)² Lord's Rights in Borough

UTTOXETER, 1252. (Wm de Ferrers.) And also saving to us etc. the ovens and market, with their profits, and the site of the borough and market and of the court leet also from them with pannage and all other liberties without our said borough.

RICHMOND, 1268. Et si contingeret quod in dicto burgo aliqua accideret escaeta de aliquo burgensi vel per feloniam vel alio modo, illa escaeta eidem Johanni remaneret, Salvis dictis tunc burgensibus et eorum heredibus de dicta escaeta debitis et consuetis.

(And if it happened that any escheat arose from any burgess either for felony or in any other manner, that escheat should remain to the said John and his heirs, saving to the said burgesses from the said escheat what is due and accustomed.)

SALISBURY (NEW), 1306. (Abstract.) Whereas King Henry III granted to the church of St Mary, Saresbury, after its removal to New Saresbury, a charter of liberties for the said new church and town, as therein recited, which charter the king has confirmed And whereas when, as herein recited, Simon, now the bishop thereof, desired according to

¹ For the preceding clause see V A 8.

² See also II A 2 (Chesterfield, 1226-7), V A 15 (*id.*).

the above charter to take tallage from the citizens, when the king was lately tallaging his demesnes throughout England, the said citizens of the said city of New Saresbury refused to accept the burden of such tallage; And whereas, when prosecuted by the bishop before the King's Council, they were asked whether henceforth they would use and enjoy the liberties given them in the said charter and accept the burden of the said tallage in such cases or renounce the said liberties and be quit of tallage in future, and they thereupon expressly renounced the said liberties upon that condition; and whereas the king has considered that the said citizens in consideration of the advantage acquired by them by virtue of the said liberties from the time of the granting of them up to the date of the said renunciation, ought to be tallaged on this occasion, and that the tallage ought to be levied for the use of the bishop, and that the citizens ought not to enjoy in future the liberties contained in the said charter, which shall none the less remain in force so far as concerns the liberties therein contained which touch the bishop and canons; and whereas the said bishop and the said citizens have prayed the king of his special grace to grant that the said citizens should in future enjoy the liberties set forth above and by them renounced; The king, notwithstanding that renunciation, and considering the pious intent of his father towards the said church and out of devotion to St Mary and the said church and affection to Simon the bishop, and for a fine made by the citizens before the council, grants that the said city of New Saresbury shall be the free city of the bishop and his successors and of the said church, and that the citizens of the city shall be citizens of the said bishop and shall be quit through all the king's land of toll, pontage, passage, payage, lestage, carriage, stallage and all other custom, and shall have all the other liberties and quittances throughout the king's land, which the citizens of Winchester have, and shall in future enjoy the aforesaid liberties so far as these liberties touch them, as fully as they are contained in the said charter of the king's said father and in the king's confirmation thereof: and that the said bishop and his successors may take a tallage or a reasonable aid from the said citizens by reason of the liberties thereby granted to them by the king, whenever in the future the king shall tallage his demesnes.

(4) Prises and Captions¹

HARTLEPOOL, 1230. Et salvis nobis et successoribus nostris pris de vinis sicut dominus rex capit in terra sua in Anglia.

(And saving to us and our successors the prises of wines as our lord the king takes them in his land in England.)

¹ See also VI 1 (Worcester, 1227) and V A 7 (Worcester, 1264).

BRISTOL, 1230. Rex constabulario Bristoll'. Sciatis quod concessimus et...confirmavimus...nostris probis hominibus Bristoll' quod ipsi et heredes eorum de consuetudine quatuor denariorum, que per Robertum de Berkeley et Gerardum de Atheya tempore domini Johannis regis, patris nostri, levata fuit, capienda de singulis bracinis cervisie ville Bristoll' ultra duos denarios, quos constabularii Bristoll' antiquitus consueverunt de eisdem bracinis, de quibus nullam prisam tine cervisie ceperunt, in perpetuum sint quieti: ita quod de singulis bracinis cervisie predictæ ville Bristoll' non capiantur de cetero nisi duo denarii, sicut antiquitus inde capi consueverunt per constabularios vel ballivos nostros; salva constabulariis ejusdem castri rationabili prisam tine cervisie ejusdem ville Bristoll', quam constabularii ejusdem castri antiquitus capere consueverunt ad sustentationem ejusdem castri, reddendo de singulis tinis duos denarios. Quare &c.

(The king to the constable of Bristol. Know ye that we have granted and confirmed to the good men of Bristol that they and their heirs shall for ever be quit from the custom of 4*d.* which was levied by Robert of Berkeley and Gerard of Athies in the time of king John our father, to be taken from every brewing of beer in the town of Bristol, beyond the two pence which the constables of Bristol were of old wont to take from the said brewings from which they took no prise of a cask of beer; so that from every brewing of beer in the aforesaid town of Bristol, only two pence shall henceforth be taken as was wont to be taken by the constables or our bailiffs; saving to the constables of the same castle the reasonable prise of a cask of beer of the aforesaid town, which the constables of the said castle were of old wont to take for its support, paying 2*d.* from each cask. Wherefore etc.)

[BRISTOL, 1188¹. Et quod nullus capiat tinam in villa nisi ad opus domini comitis et hoc secundum consuetudinem villæ.

(And that no man take tina in the town except for the use of our lord the earl and that according to the custom of the town.)]

BRISTOL, 1252.

Line 1. *Omit* in villa.

2. *Omit* comitis.

Add scilicet quod tyna contineat viginti et quatuor gallonas, et ubi capta non est, dentur nobis duo denarii pro predicta tyna.

[DUBLIN, 1192². Hac autem libertate mihi reservata, quod de qualibet navi quæ illuc cum vinis venire continget ballivus meus loco meo eliget duo dolia vini quaecunque voluerit in navi, unum scilicet ante malum, et aliud retro malum, ad opus meum pro quadraginta solidis, unum pro viginti solidis et aliud pro viginti solidis, et nihil amplius inde accipiet nisi ad gratum mercatoris.

(But with this liberty reserved to me, that from every ship that comes thither with wines, my bailiff in my place shall choose two casks of wine whichever he pleases in the ship, to wit, one from before the mast, and the

¹ Vol. 1, p. 235.

² *Ibid.*

other from behind the mast, for my use for forty shillings, one for twenty shillings, and the other for twenty shillings, and he shall take nothing more therefrom, except at the pleasure of the merchant.))]

WATERFORD, 1232.

Lines 2, 3. *After loco meo (nostro) insert presente preposito ejusdem civitatis.*

6. *Add Concessimus...de duobus doliis vini captis ad opus nostrum de qualibet navi, sicut predictum est, per ballivum nostrum, presente preposito ejusdem civitatis, habeant alterum de predictis doliis captis ad opus nostrum per predictum ballivum per predictum precium viginti solidorum ad predictam firmam ejusdem civitatis faciendam.*

(We have granted...that of the two casks of wine taken from every ship for our use, as is aforesaid, by our bailiff in the presence of the provost of the same city, they shall have one of the aforesaid casks taken for our use by the aforesaid bailiff at the aforesaid price of 20s. for making up the aforesaid farm of the same city.)

LIMERICK, 1292. As Dublin, reading "nobis," "noster," etc.

Line 2. *Omit loco meo.*

6. *For gratum read voluntatem.*

CHESTER, 1233-7. Item concessi et...confirmavi prefatis civibus meis Cestrie quod nulla capcio fiet in civitate Cestrie preterquam ad opus domini comitis et justiciarii sui, dum fuerint ibidem, et hoc sit tresdecim denariati pro duodecim denariis nisi tantummodo de cervisia, scilicet quatuor sextaria ad plus de una bracina, et precium cuiusdam sextarii debet esse quatuor denarii, et nullus habeat capcionem illam cervisie preterquam dominus comes et justiciarius, et illa capcio fiat per ordinem in circuitu ubi fieri debet¹.

(Item, I have granted and confirmed to my aforesaid citizens of Chester that no caption be made in the city of Chester except for the use of the lord earl and his justice, when they are there, and this shall be at 13 pennyworth for 12 pence, except only of beer, that is four sextaries at most from every brewing, and the price of each sextary ought to be four pence. And no one shall have that caption of beer except the lord earl and his justice, and that caption shall be made in rotation where it ought to be made.)

CARLISLE, 1234. Quod nullus constabularius vel vicecomes vel alius ballivus noster vel heredum nostrorum eiusdem comitatus decetero capiat prisam aliquam in eadem villa de aliquo mercatore qui non sit de eodem comitatu², nisi statim inde satisfaciat predicto mercatori.

(That no constable or sheriff or any other of our bailiffs, or of our heirs, in the said county shall henceforth take any prise in the said town from any merchant who is not of the said county, unless he at once pays the aforesaid merchant therefor.)

DUNHEVED, 1225-56. Concessimus etiam...quando aliquis ballivorum nostrorum prisam fecerit de cervisia in castellum quod non tenetur

¹ Quoted *B.C.* II, 78.

² For the case of a prise taken from a merchant of the county, see II B 8.

habere nisi primam bikam de uno obolo minus quam alibi vendita fuerit secundum quod assisa facta fuerit per burgenses. Si autem plusquam unam bikam habere vel capere voluerit, mercabitur singulas et quantum ceperit sicut alibi poterit venundari.

(We have also granted to them, that when any of our bailiffs shall take prise of beer for the castle, he shall be entitled to have only the first measure at one halfpenny less than the price at which it is sold elsewhere according to the assise made by the burgesses. And if he shall wish to have or take more than one measure, he shall buy each measure and as much as he shall take at the price it will fetch elsewhere.)

CORK, 1242. Ac quod ipsi et heredes sui habeant omnes prisas vinorum custumatarum et coquettatarum dicte civitatis unacum feodis ejusdem tam per terram quam per mare in omnibus pilis, crecis et strandis infra portum dicte civitatis qualitercunque pervenientibus.

(And that they and their heirs shall have all prises of wines that have paid custom and are sealed with the cocket seal, belonging to the said city, together with the fees of the same both by land and sea in all pills, creeks and strands within the port of the said city in anywise arising.)

WEYMOUTH, 1252. Et si aliqua captio fieri debeat sicut in piscibus aut in aliqua re emenda ad opus nostrum et successorum nostrorum, nobis et successoribus de uno denario in duodecim denariatis mercandise cuiuscunque melius mercatum fiet quam alibi vendi possit.

(And if any caption ought to be made as in the purchase of fish or any other ware for the use of ourselves or our successors, we and our successors shall have any merchandise whatsoever at a penny in the shilling less than it can be sold at elsewhere.)

DROGHEDA (Louth), 1253. Et si aliquis ducere voluerit aliquam navem vinis oneratam ad predictum burgum, et tempestate cogente, alibi applicuerit, non compellatur ad prisas inde dandum, nisi vina illa ibidem vendere voluerit.

(And if any wish to bring a ship laden with wines to the aforesaid borough, and, driven by tempest, he touches elsewhere, he shall not be compelled to give prises from his cargo, unless he wishes to sell those wines there.)

SHREWSBURY, 1256 (a). Et quod nullus vicecomes aut alius ballivus vel minister noster de cetero capiat prisas aliquas infra libertatem predictae villae, preterquam debitas et hactenus consuetas, nisi de consensu illorum quorum res illae fuerint.

(And that no sheriff or other bailiff or servant of ours shall in future take any prises within the liberty of the said city, except those due and hitherto accustomed, without the consent of the owners.)

BRIDGENORTH, 1256 (a).

NEWCASTLE-ON-TYNE, 1256. De prisis domini regis, dicunt quod apud Novum Castrum per quindecim dies ante Purificationem

Beatae Mariae et per quindecim dies postea, potest constabularius castri capere ad opus suum, si voluerit, centum hadocos, si inveniantur, pro sex denariis. Et similiter per totum annum capere potest unam morucam vel unum gunger bastardum vel unam rayam pro uno denario, si tres vel plures inveniantur in aliquo batello, ita tamen quod piscator batelli, si voluerit, potest eligere unum. Potest etiam capere ad credentiam xl *d.* panis, cervisiae, piscis et carnis per xl dies tantum. Et tamdiu quam debet hoc debitum, non debet capere plus ad predictum creditorem.

(Concerning the prises of our lord the king, the jurors say that for 15 days before the Purification of the Blessed Mary and for 15 days afterwards, the constable of the castle may take for his own use, if he will, 100 haddocks for 6*d.*, if they can be found. And likewise, throughout the whole year he may take a cod or a conger or a ray for a penny, if three or more are found in a boat, provided that the fisherman who owns the boat can (first) choose one. Moreover, he may take 40 pennyworth of bread, beer, fish or meat on credit for 40 days only. And as long as he owes that debt, he may take no more from that creditor.)

DUNSTER, 1254-7. Quod de cetero non possimus captionem de bracino alicuius in eadem villa facere preter viginti lagenas, scilicet, quatuor lagenas pro denario. Si vero plus cervisie de bracino illo habere voluerimus, ut illud ematur secundum quod emptores patrie de eadem emant cervisia.

(That henceforth we may not make caption from the brewing of any person in the same town, except twenty gallons, to wit, four gallons for one penny. If we wish to have more from that brewing, that it be bought according to the price paid by the purchasers of the country for the same beer.)

LEICESTER, 1257. Henricus &c. ballivis &c. salutem. Sciatis nos ad instanciam dilecti et fidelis nostri Simonis de Monte forto comitis Leycestrie concessisse pro nobis et heredibus nostris burgensibus suis Leycestrie quod a festo Sancti Johannis Baptiste anno regni nostri quadragesimo primo (1257) usque ad finem septem annorum proximo sequencium quieti sint de omnimoda prisa nostra de pannis et aliis rebus et mercandis suis in singulis nundinis et mercatis per totum regnum et potestatem nostram. Ita quod nullus ab eis aliquid capiat de pannis aut aliquibus rebus vel mercandis suis contra voluntatem eorum aut nisi eis incontinenti (*sic*) taliter satisfiat quod dicti burgenses inde fuerint contenti.

(King Henry to his bailiffs greeting. Know ye that we at the request of our beloved and loyal Simon de Montfort, earl of Leicester, have for us and our heirs granted to his burgesses of Leicester that from the feast of St John the Baptist in the forty-first year of our reign to the end of seven years next following, they shall be free from all manner of our prises of their cloth and other goods and merchandise in every fair and market throughout our whole

realm and power. So that none shall take anything from them either in cloth or any goods or merchandise against their will or unless he forthwith satisfy them in such a manner that the said burgesses are therewith content.)

AYR, 1261. *Volumus eciam...ut ipsi liberi sint ab omnimodis capcionibus et prisīs per quemcunque tam extra villam de Are quam infra capiendis, exceptis nostris propriis capcionibus et prisīs et regine sponse nostre.*

(We will also that they be free from all kinds of captions and prises, by whomsoever to be taken either without the town of Ayr or within, excepting our own captions and prises and those of the queen, our consort.)

LONDON, 1268. *Excepta ubique debita et antiqua prisa nostra vini, unius, videlicet, dolii ante malum et alterius retro malum, per viginti solidos pro dolio solvendos, in forma qua nos et antecessores nostri hujusmodi prisas habere consuevimus.*

(Excepting everywhere our wonted and ancient prise of wine, to wit, one cask before the mast and one from aft the mast, for 20s. to be paid for each cask, in the form in which we and our ancestors were wont to have such prises.)

MELCOMBE [REGIS], 1280.

LYME [REGIS], 1285.

NOVA VILLA, 1286.

WARTON, 1246-71. *Vendent autem mihi et heredibus meis sextarium cervisie minus uno denario quam aliis.*

(Moreover, they shall sell me their beer for a penny less the sextary¹ than others.)

CINQUE PORTS, 1278. *Et quod de propriis vinis suis de quibus negociantur quieti sint de recta prisa nostra, videlicet de uno dolio vini ante malum et alio post malum.*

(And that of their own wines in which they deal they shall be quit of our lawful prise, to wit, one cask before the mast and one aft the mast.)

FAVERSHAM, 1302.

MORPETH, 1294. *Vestra me noverit universitas concessisse, remisisse, resignasse et pro me et heredibus meis omnino quietam clamasse liberis burgensibus meis de Morpath et heredibus suis et suis assignatis imperpetuum illam capcionem cervisie in eadem villa quam ego predictus Johannes de Graystoke et antecessores mei ab eisdem burgensibus et eorum antecessoribus cepimus et capere consuevimus, videlicet tres galones cervisie pro uno denario, pro quadam summa pecunie quam predicti burgenses mihi premanibus dederunt. Ita, videlicet, quod nunquam ego prefatus Johannes nec heredes mei nec aliquis nomine meo vel heredum meorum assignatus decetero usque in finem mundi*

¹ Four gallons according to Ducange.

prenominatam capcionem cervisie predicte, sicut supranotatum est, de prefatis burgensibus de Morpeth vel eorum heredibus aut suis assignatis habere, calumpniare, petere vel capere nullo modo, nulla causa, nulla jure possimus.

(Be it known to you all that I have granted, remitted, resigned and for me and my heirs have entirely quitclaimed to my free burgesses of Morpeth and their heirs and assigns for ever that caption of beer in the said town which I the aforesaid John of Graystoke and my ancestors took and were wont to take from the said burgesses and their ancestors, to wit, three gallons of beer for one penny, in consideration of a certain sum of money which the said burgesses have paid me in cash. So that neither I, the aforesaid John, nor my heirs nor any assigns in the name of myself or my heirs from henceforth till the end of the world shall be able to have, claim, seek or take the aforesaid caption, as is aforesaid, from the said burgesses of Morpeth, their heirs or assigns in any manner, for any cause or by any right.)

TENBY, 1265-94. Similiter dicti prepositi colligent prisam de pandexatoribus, scilicet de xii bussellis brasei, frumenti et avenarum pertinentis, iv d, et de medietate ii d, et de uno dolio mellis iiii d, et de medietate unius dolii ii d....Salvis et retentis nobis et heredibus nostris racionalibus prisas vini de qualibet nave illuc applicante et aliis prisas debitis et consuetis.

(Likewise the said reeves shall collect the prise from the brewers, to wit, from 12 bushels of malt, of wheat and oats, 4*d.*, and from half that quantity, 2*d.*, and from a cask of honey, 4*d.*, and from half a cask, 2*d.*

Saving to us and our heirs the reasonable prises of wine from every ship touching there, and the other due and wonted prises.)

ABERAVON, 1288-1313. Et dabunt octo lagenas de quolibet bracino pro servicio molendini et pro assisa mihi et heredibus et assignatis meis.

(And they shall give eight gallons from every brewing for the service of the mill and for the assize to me and my heirs and assigns.)

SWANSEA, 1306. Prisa quoque vini, videlicet de triginta doliis ex partibus transmarinis in una naue transuectis, nobis prestetur, prout hactenus consuevit.

(The prise of wine too, to wit, from thirty tuns brought over in one ship from foreign parts, shall be paid to us, as has hitherto been accustomed.)

SWANSEA, 1306. Concedimus insuper eisdem burgensibus nostris quod decetero liberi penitus sint et quieti a prestacione medietatis viginti octo lagenarum ceruisie vel octodecim denariorum quas vel quos ipsi prestare et nos capere temporibus retroactis de qualibet bracina eorum solebamus. Alii vero in dicto burgo commorantes totalem assisam viginti octo lagenarum aut octodecim denariorum nobis, ut hactenus consueuerunt, persoluent.

(We grant also to our said burgesses that in future they shall be wholly free and quit of the payment of half of twenty-eight gallons of ale or 18*d.* which they used to give and we to take in former times from each of their brewings. Others, however, staying in the said borough shall pay to us the whole assize of twenty-eight gallons or 18*d.* as they have been wont to do¹.)

(5) Aids to Farm, etc.

AYR, 1236 (*b*). Sciatis nos dedisse...burgensibus nostris de Air ad sustentacionem pontis et ad emendacionem portus de Air et ad alia communia negotia ville de Air sustinendum omnes piscarias nostras de Air et Dun quas habuimus tempore hujus collationis apud Air, tenendas et habendas burgensibus de Air de nobis et heredibus nostris in perpetuum, ita libere, quiete, plenarie, honorifice sicut aliquae piscarie ab aliquibus burgensibus in regno Scocie plenius et liberius tenentur et possidentur.

(Know ye that we have given to our burgesses of Ayr for the support of the bridge and the improvement of the harbour of Ayr and for the support of their other common business of the town all our fisheries of Ayr and Doon which we had at the time of this gift, to hold and to have to the burgesses of Ayr of us and our heirs for ever, as freely, quietly, fully and honourably as any fisheries are most fully and freely held by any burgesses in the kingdom of Scotland.)

INVERNESS, 1236. Sciant presentes et futuri nos dedisse...burgensibus nostris de Invernys terram de Marckhinch ad sustentacionem burgi nostri de Invernys, tenendam et habendam eisdem burgensibus de nobis et heredibus nostris imperpetuum, libere, quiete, ad firmam burgi nostri de Invernys sustinendam. Ita quod dictam terram de Marckhinch colant, si voluerint, et modis omnibus quibus poterint commodum suam de ea faciant: reddendo annuatim unam libram piperis ad festum Sancti Michaelis².

(Know all men present and future that we have given to our burgesses of Inverness the land of Markinch for the support of the said borough of Inverness, to hold and to have to the said burgesses of us and our heirs for ever, freely and quietly, for the support of the farm of our said borough of Inverness. So that they may cultivate the said land of Markinch, if they will, and make their profit therefrom in all ways in which they can: rendering yearly one pound of pepper at Michaelmas.) [See Addenda.]

NEWCASTLE-ON-TYNE, 1248. [Grant of all the stones and coals in the firth (*al.* forth) adjoining the town, in aid of the farm (Brand, *Newcastle*, II, 140, who also records an earlier license of 1239 to dig for coals there or in the Castle-leazes).]

READING, 1254. (Fine.) Et quod predicti burgenses habeant gildhallam suam mercandam in villa de Rading' cum xii messuagiis que

¹ Cf. Waterford (p. 328).

² Corr. from Fraser-Mackintosh, *Invernessiana* (facs.).

ad gildhallam illam pertinent, simul cum prato quod vocatur Portmanebroc, reddendo inde annuatim dicto abbati et successoribus suis et ecclesie sue predicte dimidiam marcam ad festum Sancti Michaelis, ubi prius solebant reddere nisi unum denarium tantum....Preterea dicti burgenses recognoverunt pratum quod jacet ad caput prati quod vocatur Portmanebroc esse jus ipsius abbatis et ecclesie sue de Rading', et illud ei reddiderunt in eadem curia et remiserunt et quietum clamaverunt de se et heredibus ipsorum dicto abbati et successoribus suis et ecclesie sue de Rading' in perpetuum.

(And that the aforesaid burgesses shall have their guildhall for marketting in the town of Reading with 12 messuages pertaining to the guildhall, along with the meadow called Portmanbrook, rendering thence yearly to the said abbot and his successors and his aforesaid church, half a mark, where formerly they were wont to render only one penny....Moreover the said burgesses have admitted that the meadow which lies at the head of the said meadow called Portmanbrook is the property of the said abbot and of his church of Reading, and have surrendered it to him in the same court, and have released and quit-claimed it for themselves and their heirs to the said abbot and his successors and their church of Reading for ever.)

SCARBOROUGH, 1256 (*b*). Sciatis nos dedisse...dilectis burgensibus nostris de Escardeburgh ad amplificationem eiusdem burgi manerium nostrum de Wallesgrave cum omnibus terris, pasturis, molendinis, stagnis et omnibus aliis ad idem manerium pertinentibus sine ullo retineamento et cum sexaginta acris terre in campis de Escardeburgh quas dudum recuperavimus versus quosdam burgenses nostros de Escardeburgh, habendum et tenendum eisdem burgensibus et eorum heredibus de nobis et heredibus nostris ad feodi firmam imperpetuum cum homagiis, releviis, redditibus, firmis, finibus, amerciamentis, tallagiis, auxiliis et omnibus aliis proficuis et exitibus inde provenientibus adeo libere sicut tenent burgum predictum: Reddendo inde per annum ad scaccarium nostrum S. Michaelis viginti et quinque libras sterlingorum pro omni servicio, secta, consuetudine et exaccione. Ita quod tallagium hominum dicti manerii, cum burgos et dominica nostra per Angliam talliari fecimus, habeant in augmentum tallagii burgi sui et nobis inde respondeant per manum suam propriam cum tallagio burgi predicti.

(Know ye that we have given to our beloved burgesses of Scarborough for the increase of the same borough, our manor of Falsgrave with all lands, pastures, mills, mill-pools and all other things to the same manor pertaining, without any reservation, together with 60 acres of land in the fields of Scarborough which we lately recovered from certain burgesses of Scarborough to have and to hold to the said burgesses and their heirs of us and our heirs at fee farm for ever with all homages, reliefs, rents, farms, fines, amercements, tallages, aids and all other profits and issues thence issuing as freely as they hold the aforesaid borough: Rendering therefor yearly at our Michaelmas exchequer £25 sterling for all service, suit, custom and exaction. So that,

when we cause our boroughs and demesnes throughout England to be tallaged, they shall have the tallage of the men of the said manor in increase of the tallage of their borough and shall answer therefor by their own hand with the tallage of the aforesaid borough.)

CLITHEROE, 1307. Ceste Endenture tesmoygne que Mon Sr Henri de Lasci Counte de Nicole por luy et por ses heysrs ad graunte a ses borgeys de Clyderowe et a leur heysrs et a leur assignez, tout le soil et les boys de Salthille, Parisounge et Balloclawe a leur proffyt faire en la meyllleure manere qil saueront, sauve a Willame Heryce re[s]nables estovers por soun maner de Salthille, a prendre en le dit boys sicome de droit soleit faire. E les ditz borgeys por eux et por leur heysrs grauntent a sauver le dit Counte et ses heysrs de damage vers le dit Willame Heryce. Ostre ceo le dit Counte voet que lenclos qil ad fait en la partye devers le West du chastel de Clyderowe seit desaproue et remeygne en commune a touz jours, Sauve a dit Counte et a ses heirs la seigneurie de la ville de Clyderowe ausi byen en demeyene come en service sicome le dit Counte soleit aver. Et le dit Counte graunte por luy et por ses heirs a les ditz burgeys et a leur heysrs qil peusent garder et couper les bus-houns en le champ de Clyderowe par tout. Ostre ceo le dit Counte graunte a les ditz burgeys et a leur heirs foverte de tourbe en sa tourbere a mount de Penhill a carier et arder a leur propre oes a Cliderowe, sauvez vente faire, a fraunche voye sauvez destorbance, en allouance de la tourbere que le dit Counte primes graunta a les ditz borgeys en Bagsholfe. Et les ditz borgeys grauntent por eus et por leur heysrs a la dyte foverte de tourbe prendre a mount de Penhill en allouance de la tourbere de Bagsholfe que primes leur feust graunte. Issint que les ditz borgeys ne leur heysrs en la dyte tourbere de Bagsholfe rien ne peusent aver ne chalenger a nul jour. En tesmoynes de ceste endenture a la partye demorant devers les ditz borgeys le dit counte ad feet mettre son seal. E les ditz borgeys par assent deux tous ont elleu sys borgeys, cest assaver Hugh de Clyderowe &c., que par comun assent deux tous por eux et por touz les autres a la partye demorant devers le dit counte ount mys leur seals.

(This Indenture witnesses that Henry de Lacy, earl of Lincoln, for himself and his heirs has granted to his burgesses of Clitheroe their heirs and assigns, all the soil and woods of Salthill, Parisounge and Balloclawe for them to make their profit therefrom in the best manner that they know, saving to William Heryce reasonable estovers for his manor of Salthill, to be taken in the said wood as he was rightfully wont to do. And the said burgesses for themselves and their heirs covenant to preserve the said earl and his heirs from damage on the part of the said William Heryce. Moreover, the said earl wills that the enclosure which he has made in the quarter west of the castle shall cease to be approved and remain in common for ever, saving to the said earl, etc. the lordship of the borough of C. as well in demesne as in service, as the said earl used to have it. And the said earl grants for himself, etc. to the said burgesses, etc. that they may keep and cut the brushwood in the field of C.

everywhere. Moreover, the said earl grants to the said burgesses, etc. digging of turf in his turbary at Pendle Hill to carry and burn for their own use at C., saving sale, with a free road and without disturbance, in allowance for the turbary which the said earl first gave them in Bashall. And the said burgesses agreed for themselves, etc. to take the said digging of turf in exchange for that of Bashall which, etc. Also that they and their heirs should neither be able to have nor to claim anything in the said turbary of Bashall for ever (seal clause.)

(6) Letting to Farm

AYR, 1236 (a). Sciatis presentes et futuri nos tradidisse ad feodifirmam burgensibus nostris de Are quinque nummatas terre in Kyle, scilicet Aulwey et Crottun et Gorteloy, tenendas et habendas eisdem burgensibus inperpetuum de nobis et heredibus nostris libere, quiete, plenarie: reddendo annuatim decem libras, medietatem ad festum Sancti Martini et medietatem ad Pentecosten, et faciendo forinsecum servicium quod pertinet ad dictas. Ita tamen quod de vivo boscho in dictis terris non ardebunt nec dabunt nec vendent nec aliquo modo destruent set solummodo capient quod necessarium est ad propria edificia sua de Are et ad proprias naves de Are faciendas.

(Know all men, present and future, that we have delivered at fee farm to the burgesses of Ayr five pennyworth of land in Kyle, to wit, Alloway and Corton and Carcluie, to hold and to have to the same burgesses for ever of us and our heirs, freely, quietly and fully: rendering thence yearly £10, one moiety at Martinmas and the other moiety at Whitsuntide and performing the forinsec service pertaining to the said lands. Provided that of the living wood on the said lands, they do not burn or give or sell or in any way destroy any, but only take what is necessary for making their own buildings and their own ships at Ayr.)

HELSTON, 1260. Et cum triginta tribus acris terre assisis in eadem villa de villenagio nostro per Odonem filium Frawen quondam firmarium de Helleston....Concessimus etiam eis pratum nostrum subtus villam de Helleston, habendum et tenendum eis et heredibus suis de nobis et heredibus nostris pro annuis viginti et sex solidis et octo denariis ad duos anni terminos nobis et heredibus nostris reddendis, videlicet ad pascha tresdecim solidis et quatuor denariis et ad festum S. Michaelis tresdecim solidis et quatuor denariis.

(And with 33 acres of land, formerly part of our land held in villeinage, but let at assised rents by Odo son of Frawen, formerly farmer of Helston....We have also granted to them our meadow under the town of Helston to be had and holden to them and their heirs of us and our heirs, by payment of 26s. 8d. yearly to us and our heirs at two terms of the year, to wit, at Easter 13s. 4d., and at Michaelmas 13s. 4d.)

(7) Grant of Vacant Places¹

[BRISTOL, 1188. Et quod habeant et possideant omnes terras et placeas vacuas quae infra predictas metas continentur ad voluntatem eorum aedificandas.

(And that they may have and possess all lands and vacant places which are within the aforesaid bounds, for building on at their will.)]

BRISTOL, 1252.

Line 3. *For eorum read suam.*

WATERFORD, 1232.

CORK, 1242.

LIMERICK, 1292.

Line 2. *For infra...metas read in predicta libertate.*

3. *After eorum insert et ad commodum ejusdem civitatis.*

SCARBOROUGH, 1253 (b). Quod iidem burgenses licite possint omnes vastas placias infra limites predicti burgi ad predictum burgum et eorum tenementa pertinentes edificare et approbare secundum quod sibi et burgo predicto melius viderint.

(That the said burgesses may lawfully build on and approve all the vacant places within the limits of the aforesaid borough pertaining to the aforesaid borough and their own tenements, according to what they see to be most expedient for them and the aforesaid borough.)

PONTEFRACHT, 1278 (b). Noveritis nos (Henry de Lacy) concessisse...dilectis burgensibus et hominibus nostris de Pontefracto omnes seldas quas ipsi vel antecessores sui levare potuerint in foro et vasto nostro ejusdem ville usque ad festum apostolorum Philippi et Jacobi, anno regni regis Edwardi sexto: Habendas et tenendas...iure hereditario in perpetuum: Reddendo inde annuatim nobis et heredibus nostris firmam debitam et consuetam terminis statutis et consuetis....Pro hac nostra concessione et quietam clamanc[i]a habenda predicti burgenses et homines nostri dederunt nobis quadraginta libras sterlingorum.

(Know ye that we have granted...to our beloved burgesses and men of Pontefract all the shops which they or their ancestors may have been able to erect in the market place and on our waste ground of the same town up to the feast of the apostles Philip and James (May 1) in the sixth year of king Edward: paying therefor to us and our heirs the due and accustomed rent at the fixed and accustomed terms. For this our grant and quitclaim our aforesaid burgesses and men have given us £40 sterling.)

CHESTER, 1300. Concessimus etiam, quantum in nobis est, eisdem civibus quod ipsi vacuas placeas infra libertatem predictam edificare et alias se inde apprivare (*sic*) ac commodum suum facere, exitusque inde provenientes ad firmam suam civitatis predictae percipere et habere possint, salvo nobis et heredibus nostris dominicis terris nostris ibidem

¹ Cf. II 3. For reservation of site of borough see VI 3 (Uttoxeter).

(We have also granted, as far as in us lies, to the same citizens that they may build on the waste places within the liberty aforesaid, and otherwise approve them, and make their profit therefrom, and receive and have the issues arising therefrom towards the farm of their city aforesaid, saving to us and our heirs our demesne lands there.)

(8) Grant of Mills

BRIDGENORTH, 1227 (*b*). *Preterea concessimus predictis burgensibus nostris et eorum heredibus quod habeant ad feodi firmam imperpetuum molendinum nostrum de Pendestan extra villam de Bruges super ripam de Wurgh cum secta ville de Bruges et aliis pertinentiis suis: reddendo inde annuatim nobis et heredibus nostris per manum suam ad scaccarium nostrum x libras, videlicet ad festum S. Michaelis c. solidos et ad Pascha c. solidos.*

(Moreover, we have granted to our aforesaid burgesses and their heirs that they may have at fee farm our mill of Pendestan outside the vill of Bridgenorth on the bank of the Worf with the suit of the town of Bridgenorth and its other appurtenances: rendering thence annually to us and our heirs by their own hand at our exchequer £10, namely a hundred shillings at Michaelmas, and a hundred shillings at Easter.)

HELSTON, 1260. *Et cum molendinis extra villam et cum aqua de Chohor fluente ad eadem molendina et cum omnibus aisiamentis eiusdem aque sine aliorum nocumento, et quod possint erigere alia molendina super eandem aquam si viderint eis expediens, sine alicujus nocumento ut predictum est.*

(With the mills without the town and with the water of Caber flowing to the same mills and with all easements of the same water, provided they cause no nuisance to others; also with the right to erect other mills on the same water if it seem expedient to them, provided they cause no nuisance to others, as is aforesaid.)

NEWPORT (Isle of Wight), 1262–93. *Dedi insuper et concessi predictis burgensibus meis ad feodi firmam perpetue duraturam unum molendinum aquaticum situm juxta prioratum Sancte Crucis quod appellatur la West Mill, cum omnibus pertinentiis suis, et medietatem unius molendini aquatici siti juxta la ford quod vocatur le Ford Mill, cum omnibus pertinentiis suis.*

(Moreover, I have given and granted to my aforesaid burgesses at fee farm to endure for ever, one water mill situate adjoining the Priory of the Holy Cross, which is called the West Mill, with all its appurtenances, and the moiety of one water mill situate adjoining the ford, which is called the Ford Mill, with all its appurtenances.)

(9) Grant of Escheats¹

¹ See VI 3.

(10) Grant of Wreck

DROGHEDA (Meath), 1247. Et quod nullus ballivus capiat aliquid de navibus predictorum burgensium fractis in portu de Drogheda, vel alibi in potestate nostra, sed omnia navium predictarum armamenta et omnia catalla sua in pace colligant et habeant: et quod quieti sint wrecio maris in omnibus terris nostris et potestate nostra.

(And that no bailiff take anything from the ships of the aforesaid burgesses which are wrecked in the port of Drogheda, or elsewhere in our realm, but they shall collect and have all the tackle of the aforesaid ships and all their chattels in peace; and that they be free of wreck in all our lands and in all our realm.)

(11) Consideration for Charter

CHESTERFIELD, 1226-7. (Fine.) Has vero relaxationes et libertates prescriptas concessit dictus Willelmus Briwerr predictis burgensibus in perpetuum; ita¹ quod ipsi burgenses de cetero jura et libertates quas sepedictus Willelmus Briwerr de jure habere tenetur manuteneant, et quod contra illas libertates nunquam venire presumant.

(These releases and liberties beforewritten the said William Brewer has granted to the aforesaid burgesses for ever; on condition that the same burgesses henceforth shall maintain the rights and liberties which the often mentioned William Brewer ought rightfully to have, and shall never presume to contravene those liberties.)

LEICESTER, 1231-9. Pro hac autem relaxatione et quieta clamacione dederunt mihi predicti homines de Leycestrie quindecim marcas argenti.

(For this release and quitclaim, the aforesaid men of Leicester have given me fifteen marks of silver.)

LEICESTER, 1239. Pro hac autem remissione, relaxatione et quieta clamacione, dederunt mihi prefati burgenses mei vnum pullum precii centum solidorum premanibus.

(For this remission, release and quitclaim the aforesaid burgesses have given me in hand a colt price 100s.)

POOLE, 1248. Pro hac autem donatione concessione et cartae presentis confirmatione dederunt mihi dicti burgenses sexaginta decem marcas argenti premanibus.

(Moreover for this gift and grant and confirmation of the present charter the said burgesses have given me seventy marks of silver in hand.)

LEICESTER, c. 1254. Et pro hac remissione et quieta clamacione nostra, maior et burgenses nostri de communitate Leycestrie dederunt et quietos c'amaverunt de se et heredibus suis imperpetuum nobis et heredibus nostris vel assignatis nostris quinquaginta sex solidos et octo

¹ The MS. is carelessly written, thus "Jita."

denarios annui redditus percipiendos in villa nostra et in campis Leicestrie, scilicet (here follows a long list of rents).

(And for this remission and quitclaim, our mayor and burgesses of the community of Leicester have given and quitclaimed for them and their heirs to us and our heirs for ever, 5*ss.* 8*d.* of annual rent to be received in our town and fields of Leicester.)

KELLS (Kilkenny), *before 1247*. Pro hac autem donacione et concessione et huius presentis carte confirmacione dicti mei burgenses mihi prae manibus octo marcas argenti dederunt ut hec sibi mea donacio et concessio et presentis carte confirmacio rata et grata stabilis et inconcussa imperpetuum permaneat.

(For this gift and grant and the confirmation of this present charter, my said burgesses have paid into my hands eight marks of silver, that this my gift and grant to them and the confirmation by the present charter, may remain ratified and pleasing, stedfast and unbroken for ever.)

BERKELEY, 1262. Pro hac autem remissione et quietaclamacione¹ dederunt mihi supradicti burgenses et mercatores decem marcas argenti et Isabelle uxori mee viginti solidos pro Bysanciis² suis.

(And for this release and quitclaim the oft-mentioned burgesses and merchants have given me ten marks of silver, and to my wife Isabella twenty shillings, for her Besants.)

PLYMPTON, 1262-85. Pro hac concessione et confirmatione carte mee dederunt mihi dicti burgenses decem marcas sterlingorum.

(For this grant and confirmation by my charter, the said burgesses have given me ten marks sterling.)

CINQUE PORTS, 1278. Sciatis nos pro fideli servicio quod barones nostri Quinque Portuum hactenus predecessoribus nostris regibus Anglie et nobis nuper in exercitu nostro Wallie impenderunt et pro servicio suo nobis et heredibus nostris regibus Anglie fideliter continuando in futurum concessisse et hac carta nostra confirmasse, pro nobis et heredibus nostris, eisdem baronibus nostris et heredibus suis omnes libertates et quietancias suas.

(Know ye that for the faithful service which our barons of the Cinque Ports have hitherto rendered to our predecessors, kings of England, and to us in the late expedition to Wales, and for the good service to be faithfully continued in the future to us and our heirs, kings of England, We have granted and by this our charter confirmed for us and our heirs, to the same barons and their heirs all their liberties and quittances.)

BAKEWELL, 1286. Pro hac autem concessione et omnium predictorum confirmacione recepi premanibus de communitate ville predictae decem marcas sterlingorum, propter quod volo et omnino concedo pro me et heredibus meis seu assignatis quibuscunque quod omnes et

¹ "quietaclamantia" in Mr St Clair Baddeley's copy.

² Bizanciis, *ib.*

singuli burgenses et tenentes memorate ville de Bauquell' et eorundem heredes seu assignati omnes prefatas libertates et consuetudines, ut predictum est, libere et pacifice habeant inperpetuum et gaudeant inuiolabiliter absque aliqua contradiccione, calumpnia vel clamio mei vel heredum seu assignatorum meorum nomine.

(For this grant and for the confirmation of all the aforesaid privileges I have received from the community of the said town ten marks sterling, for which I will and wholly grant for myself, my heirs, and assigns, that all and singular the burgesses and [free] holders of the said town of Bakewell and their heirs and assigns shall have for ever freely and in peace and shall inuiolably enjoy, without any opposition or claim on the part of myself, my heirs, or my assigns, all the aforesaid liberties and customs as is aforesaid.)

GREAT YARMOUTH, 1298. Sciatis quod pro bono et laudabili servicio quod dilecti et fideles nostri burgenses et probi homines Magne Jernemuthe nobis et progenitoribus nostris quondam regibus Anglie impenderunt et in futurum impendent, concessimus eis pro nobis et heredibus nostris quod....

(Know ye that for the good and praiseworthy service which our beloved and loyal burgesses and good men of Great Yarmouth have rendered to us, and our ancestors, formerly kings of England, and will in the future render to us, we have granted to them for us and our heirs that....)

CINQUE PORTS, 1298.

Lines 2, 3. *For burgenses...* Magne Jernemuthe *read* barones...quinque portuum.

NORWICH, 1305. Sciatis nos, per finem quem cives nostri civitatis nostre Norwyci fecerunt nobiscum coram consilio nostro necnon pro decem libris annuis quas iidem cives et successores sui, cives ejusdem civitatis, solvent nobis et heredibus nostris singulis annis in perpetuum ad scaccarium nostrum et heredum nostrorum in augmentationem firme sue civitatis predicte, Concessisse et...confirmasse eisdem civibus et successoribus suis predictis pro nobis et heredibus nostris:

(Know ye, that we, in consideration of a fine which the citizens of our city of Norwich have made with us in the presence of our council, and also of £10 yearly which the said citizens and their successors, citizens of the said city, will pay to us and our heirs every year for ever at our exchequer and at that of our heirs, as an increase of their farm of the aforesaid city, We have granted and...confirmed to the said citizens and their aforesaid successors, being citizens of the said city, for ourselves and our heirs.)

LYNN, 1305. Sciatis quod pro magnis et variis misis quas burgenses de Lenne in nostro obsequio pluries posuerunt, necnon per finem quem fecerunt nobiscum concessimus eis pro nobis et heredibus nostris:

(Know ye that in consideration of the great and various payments which the burgesses of Lynn have laid out in our service, and also for the fine which they have made with us, we have granted for us and our heirs:)

ABERAVON, 1288-1313. Pro hac autem donatione, concessione ac presentis carte mee confirmatione dederunt mihi predicti burgenses mei et chencerii quadraginta solidos sterlingorum.

(And for the gift and grant and confirmation by my present charter, my aforesaid burgesses and tenses have given me forty shillings sterling.)

(12) Grant and Confirmation of Lands and Houses

INVERKEITHING, 1223 (*b*). Grant of land of Cruke, "ad commune aisiammentum burgi," by Alexander II¹.

DUMBARTON, 1224. Grant of two parts of the lands of Morvaich (Murroch) for the common good of the borough.

PRESTON, 1252. Quia constat nobis per inquisitionem quam fieri fecimus per vicecomitem nostrum Lanc. quod trescenti et viginti et quatuor acre terre tam de veteri quam de nova purprestura, quam burgenses nostri de Preston in Amundernesse fecerunt subter haiam nostram de Fuluoode, pertinent ad burgum nostrum de Preston et non ad hayam predictam, que quidem purprestura extendit se per has metas videlicet ... (here follow bounds) ... Concessimus et hac carta nostra confirmavimus pro nobis et heredibus nostris quod predicti burgenses et heredes sui imperpetuum habeant purpresturam illam et quod de mora versus boscum nostrum de Fuluoode extra coopertum ejusdem bosci infra dictas metas frussire possint et ad culturam redigere prout sibi placuerit sine impedimento forestariorum et viridariorum nostrorum. Ita, tamen, quod per quadraginta perticatas terre non attingant coopertum ejusdem bosci, salvis etiam predictis burgensibus et eorum heredibus turbaria et pastura sua in mora predicta et sufficienti claustura in eodem bosco sine vasto et sine impedimento predictorum forestariorum et viridariorum nostrorum.

(Whereas it appears to us from an inquisition which we have caused to be made by our sheriff of Lancaster that 324 acres of land of both old and new purpresture, which our burgesses of Preston in Amounderness have made under our hay of Fulwood, belong to our borough of Preston and not to the hay aforesaid, which purpresture extends through these boundaries.... We have granted and by this charter confirmed for us and our heirs that the aforesaid burgesses and their heirs may have for ever that purpresture, and that they may break up and reduce to cultivation the moor towards our wood of Fulwood outside the covert thereof within the aforesaid boundaries as they shall please without hindrance from our foresters and verderers. Provided that they do not come within forty perches of the covert of the said wood, saving to the aforesaid burgesses and their heirs their turbary and pasture in the aforesaid moor and sufficient fencing (to be obtained) in the same wood without waste and without hindrance from our said foresters and verderers.)

¹ Regrant of gift by his father (Appendix A).

ALNWICK, 1290. Dedimus eciam et concessimus eisdem burgensibus quasdam pecias terre in campo de Bondegate que vocantur Stottfaldhalch et Ranwellestrother, cum omnibus suis pertinentiis....

Et sciendum est quod in boreali parte de via de Boulton que vocatur Boultonstrete usque ad semitam que vocatur Coliergate, manuum opus minime fiet per aliquem priusquam provideatur per nos et dictos burgenses quod manuum opus infra predictas bundas fieri debeat ad commodum nostrum et ad commodum ipsorum burgensium per junctum assensum.

(We have also given and granted to the same burgesses certain parcels of land in Bondgate field which are called Stottfaldhalch and Ranwellstrother, with all their appurtenances....)

And be it known, that on the northern side of the way to Boulton called Boultonstreet, as far as the path called Collier-gate, no cultivation shall be done by anyone before we and the said burgesses have made an agreement by our joint assent what cultivation shall be done within the aforesaid bounds for our advantage and the advantage of the said burgesses.)

OXFORD, 1229 (*b*). Sciatis nos dedisse...burgensibus nostris Oxon. domum quandam in villa Oxon. cum pertinentiis que fuit Mossei filii Issaac Judei et que est inter domum que fuit Ade Vinetarii et domum David Judei, habendam et tenendam sibi et heredibus suis de nobis et heredibus nostris ad placita nostra in eadem domo tenenda in perpetuum, salvo dominis feodi redditu suo annuo quantum ad eos pertinet¹.

(Know ye that we have given to our burgesses of Oxford a certain house in the town of Oxford with its appurtenances which formerly belonged to Moses son of Isaac the Jew, and lies between the house formerly of Adam the Vintner and the house of David the Jew, to have and to hold to them and their heirs of us and our heirs, for the holding of our pleas in the same house for ever, saving to the lords of the fee their annual rent so far as pertains to them.)

DUNHEVED, 1225-56. Ut habeant et teneant unam placeam in eodem burgo ad quandam aulam gillatoriam (*sic*) erigendam, tenendam de nobis et heredibus nostris, ubi decencius et honorabilius providerint, per unam libram piperis annuatim reddendam in festo S. Michaelis, pro omni servicio, querela et exaccione.

(That they shall have and hold one place in the same borough where they shall decently and honourably provide, for the erection of a guildhall, to be held of us and our heirs by one pound of pepper annually to be paid for all service, demand and exaction.)

(13) Grant of a Court and its Profits

NORWICH, 1305. Et concessimus eis pro nobis et heredibus nostris quod ipsi et successores sui predicti letam nostram de Neugate in eadem civitate quam versus Priorem Sancte Trinitatis Norwycensis in curia

¹ The burgesses paid £100 for this house. Fine Rolls, 13 Hen. III, quoted Twyne, iv, 450. For the guildhalls of York and Lincoln and their use as courts of law, see iv c 2. For those of Waterford and Cork, see p. 149.

nostra coram nobis per consideracionem ejusdem curie nuper recuperavimus, et que ad duos solidos extenditur per annum, habeant et teneant, et percipiant amerciamenta et omnia alia proficua inde proveniencia quoquo modo in perpetuum.

(And we have granted for us and our heirs that they and their successors aforesaid shall have and hold our Leet of Newgate in the said city, which we lately recovered in our court before us against the Prior of the Holy Trinity of Norwich by the judgment of that court, and which is valued at 2s. yearly, and shall receive for ever the amercements and all other profits arising therefrom in any manner.)

(14) Municipal Tallages

LEICESTER, 1277. Purueu est ensement pur tailages de les vns vnt este malement retenuz et cuncelez e (purceoque) les poueres tuz iours paierent e les greinors furent manees, ke si auent ke taylage pur commune bosoigne de la vile conuegne estre fet, seit cel taylage fet par les plus leaus de la vile e ke meuz sachent les eses de gent, par lor serment, solum la quantite de la chose ke couent estre leue, e solum les eses chescuni ke tayle serra. E cel taylage pleinement par le meyre, e ceus ke il comaundera, seit leue taunt cum purra auaunt ke nul autre seit asis. E si ren remayne ultre, seit mis en la commune burse ensele de deus seaus de dous prudishumes de la commune. E chescun an seit acunte rendue des tailages assis a uer ceo ke est leue e ceo ke est arere, e ou la chose est dependue. E cel acunte seit rendue par le meyre e les cuilurs a la commune ou a ceus ke eus mettront en lor liu. E si eus se sustreent del acunte rendre, seient iustise a ceo fere par le bailif del chastel.

(It is provided also for tallages of which some have been wrongfully withheld and concealed, and because the poor always paid and the great were favoured, that if it happen that tallage ought to be made for the common needs of the town, this tallage shall be made by the most lawful men of the town who best know the means of the people, by their oath, according to the amount of what has to be raised and the means of every man that shall be tallaged. And this tallage shall be fully levied by the mayor, and those whom he shall command, as far as possible before another is assessed. And if anything remains over, it shall be put in the common purse, sealed with two seals of two good men of the town. And every year account shall be rendered of the tallages assessed, to show what has been levied and what is in arrear, and how it has been spent. And this account shall be rendered by the mayor and the collectors to the community or to those whom they put in their place. And if they decline to give account, let them be compelled to do it by the bailiff of the castle.)

NORWICH, 1305. Et liceat ballivis nostris civitatis illius qui pro tempore possint tallagia et alia auxilia rationabilia super communitatem dicte civitatis per assensum tocius communitatis illius vel majoris partis ejusdem pro tuitione et communi utilitate civitatis illius intra se quociens opus fuerit assidere, et pro tallagiis et auxiliis illis levandis rationabiles

facere districciones, sicut hactenus in casu hujusmodi in aliis civitatibus rationabiliter fieri consuevit.

(And that it shall be lawful for our bailiffs of that city for the time being to assess tallages and other aids on the community of the said city, by the assent of the whole community or the greater part of them, for the protection and common benefit of the city, as often as need be: and to make reasonable distrainments for levying such tallages and aids, as has hitherto been wont to be reasonably done in other cities in like case.)

LYNN, 1305.

(15) Municipal Credit

LEICESTER, 1277. E pur ceo ke acune fiez suruindrent bosoignes en la vile dunt la gent ne furent ren garniz, dunt lor couint a prompter argent, pain e vin e altre chose, eus alerent e aprompterent de acune gent ceo ke mester lor fu, e puis malement le rendirent a volunte e a damage de creancors: Pur ceo est ordine e purueu si ren desormes seit aprompte al oes de la vile, tauntost tayle en seit fete al creancor, e seit la dette aquite dedenz les quarante iors procheins suaunz. E si ceo nun, vegne celi a ki la dette est due al primer portmannemot apres les quarante iors e demaunde sa dette. E si la dette ne li seit paye apres cele demaunde denz les vt iors siwanz, voist il al baillif del Chastel, ke a la mustrance celi tauntost li face leuer sa dette de la commune, ensement ou les damages ke il auera ev pur la detenue, si eus ne puissent resnable enchesun mustrer pur quei la dette eit estre taunt arere.

(And whereas sometimes needs arose in the town of which the people were not warned, for which it behoved them to borrow money, bread, wine and other things, and they went and borrowed from some people what was necessary for them, and then they ill repaid it at their own will and to the damage of the creditors: Therefore it is ordained and provided that, if henceforth anything be borrowed for the use of the town, a tally of it shall at once be made for the creditor, and the debt be paid within forty days following. And if not, let him to whom the debt is due, come to the first portmanmoot after the forty days and demand his debt. And if the debt be not paid to him after that demand within eight days following, let him go to the bailiff of the castle, that at his showing he may at once levy his debt from the commune together with the damages which he has suffered by its detention, unless they can show reasonable excuse why the debt is so much in arrear.)

(16) Boroughs taken into the King's Hand¹

NORTHAMPTON, 1268 (a). Concessimus etiam eisdem quod firmam suam eiusdem ville soluere possint ad scaccarium nostrum eodem modo et ad eosdem terminos ad quos firmam illam reddere con-

¹ For the cases of London (1254, c. 1256, etc.), Dunwich (1268, 1294) and Dover (1305), see Madox, *Firma Burgi*, 154-5, 252; for Newcastle-on-Tyne (c. 1290-4), Brand, *Newcastle*, II, 144-5; for Bedford (t. Edw. I), *Schedule of Records of Bedford* (1883), 6.

sueverunt juxta tenorem cartarum nostrarum quas inde habent, et villam suam quam dudum capi fecimus in manum nostram reddidimus eisdem.

(We have also granted to them that they may pay their rent of the said town at our exchequer in the same manner and at the same terms at which they were wont to pay that rent according to the tenor of our charters which they have in that respect, and we have restored to them their town which we lately caused to be taken into our hands.)

NOTTINGHAM, 1284. Cum nos, ob certas transgressiones quas burgenses et communitas ville nostre Nottingham fecerant ex fiducia libertatum suarum, eandem villam cum omnibus libertatibus ad ipsam spectantibus ceperimus et per triennium et amplius detinuerimus in manu nostra, volentes eisdem burgensibus et communitati gratiam facere specialem, eandem villam, cum omnibus libertatibus quas burgenses et homines ipsius ville per cartas progenitorum nostrorum regum Anglie prius habuerunt, restituiamus eisdem, concedentes (correction for concedendo)...quod iidem burgenses et communitas omnibus eisdem libertatibus eodem modo decetero gaudeant et utantur quo tempore captionis ville predicte in manum nostram eis juxta tenorem cartarum predictarum rationabiliter utebantur.

(Whereas, for certain misdeeds which the burgesses and community of the town of Nottingham had committed in reliance on their liberties, we have taken the said town with all the liberties belonging to it into our hand and have detained them for three years and upwards, being willing to do a special favour to the said burgesses and community we have restored to them the said town with all the liberties which the burgesses and men of the said town formerly had by virtue of the charters of our ancestors kings of England, granting that the said burgesses and community may enjoy and use all those liberties in the same manner in which they reasonably used them at the time of the said taking of the aforesaid town into our hands, according to the tenor of the aforesaid charters.)

IPSWICH, 1291. Nos igitur, licet burgum predictum cum pertinentiis et omnibus libertatibus predictis, pro quibusdam transgressionibus et excessibus nobis per ipsos burgenses factis, dudum capi fecerimus in manum nostram et aliquamdiu in manu nostra detineri et postmodum eisdem burgensibus retradi reddendo inde nobis per annum sexaginta libras ad scaccarium nostrum quamdiu nobis placuerit. Quum tamen thesaurarius et barones nostro de scaccario nostro per literas suas dederunt inteligi quod burgum predictum cum libertatibus predictis et omnibus aliis pertinentiis suis salvo et absque prejudicio nostri reddere possimus burgensibus predictis tenendum ad feodi firmam reddendo inde per annum ad scaccarium predictum sexaginta libras, burgum predictum cum omnibus libertatibus et aliis pertinentiis suis predictis prefatis burgensibus reddidimus, Volentes et concedentes quod iidem burgenses et heredes sui burgum predictum cum omnibus liber-

atibus et aliis pertinentiis suis predictis imperpetuum habeant et teneant de nobis et heredibus nostris ad feodi firmam: Reddendo inde per annum ad scaccarium predictum sexaginta libras, unam, videlicet, medietatem ad scaccarium nostrum sancti Michaelis et aliam medietatem ad scaccarium nostrum Pasche. Et quod libertatibus predictis de cetero utantur et gaudeant imperpetuum, sicut ante captionem predicti burgi et libertatum predictarum in manum nostram libertatibus illis rationabiliter uti et gaudere consueverunt.

(We therefore, although we had lately caused the borough aforesaid with its appurtenances and all its liberties aforesaid to be taken into our hand on account of certain transgressions and excesses committed against us by the said burgesses, and to be detained for some time in our hand, and afterwards to be delivered to the said burgesses, rendering thence to us yearly at our exchequer £60 during our pleasure, inasmuch as our treasurer and our barons of our exchequer have since given us to understand that we can restore the said borough and its liberties aforesaid and all its appurtenances to the aforesaid burgesses safely and without prejudice to ourselves to hold at fee farm rendering thence £60 to us yearly at our said exchequer, We have restored the borough aforesaid with all its liberties and other appurtenances aforesaid to the aforesaid burgesses, Willing and granting that the said burgesses and their heirs shall have and hold the aforesaid borough with all its liberties and other appurtenances for ever of us at fee farm: Rendering thence £60 at the aforesaid exchequer, to wit, one moiety at our Michaelmas exchequer, and the other moiety at our Easter exchequer. And that they shall use and enjoy the aforesaid liberties henceforth for ever in like manner as they were reasonably wont to use and enjoy them before we took the aforesaid borough and liberties into our hand.)

(17) Murage¹

SHREWSBURY, 1220. Sciatis quod concessimus burgensibus nostris Salopie, in auxilium ville Salopie claudende, ad securitatem et tuitionem ejusdem ville, simul et partium adjacentium, quod capiant singulis septimanis semel usque in quatuor annos a festo Sancti Johannis Baptiste, anno regni nostri quarto, de qualibet caretta sive carro ejusdem comitatus Salopie, ferente res venales in eandem villam Salopie, ibidem vendendas, unum obolum, etc.

(Know ye that we have granted to our burgesses of Salop, in aid of the enclosure of Salop, for the security and protection of the said town as well as of the parts adjacent, that they may take once a week for four years from St John the Baptist's day in the fourth year of our reign, from each large or small cart of the said county of Salop, bringing goods for sale into the said town of Salop to be sold there, one halfpenny, etc.)

BRIDGENORTH, 1220.

DUBLIN, 1221. Rex justiciario suo Hibernie salutem.

Sciatis quod concessimus probis hominibus nostris Dubline, in auxilium ville sue claudende ad securitatem et tuitionem ejusdem ville,

¹ Typical cases only. For exemptions from murage tolls see V A 7.

simul et parcium adjacentium: De quolibet sacco lane qui Dublinam vendendus venerit, tres denarios... (here follows list of tolls). Videlicet usque ad etatem nostram.

Ita tamen quod occasione hujus concessionis nostre, nichil inde capiatur postquam ad etatem pervenerimus, sed statim ex quo pervenerimus ad etatem cadat illa consuetudo et penitus aboleatur¹.

(The king to his justice in Ireland, greeting. Know ye that we have granted to our good men of Dublin, in aid of the walling of their town for the safety and protection of the said town, as well as of the adjacent regions, from each sack of wool coming to Dublin for sale 3d.... (here follows list of tolls), viz. until our majority. Provided, that after we come of age, nothing shall be taken thence under cover of this our grant, but as soon as we come of age, this custom shall cease and be wholly abolished.)

NORTHAMPTON, 1224. Sciatis quod concessimus burgensibus nostris Norhamtonie in auxilium ville Norhamtonie claudende ad securitatem et tuicionem ejusdem ville simul et parcium adjacencium quod capiant singulis septimanis semel usque in tres annos a die Natalis Domini anno regni nostri nono de qualibet carecta sive carro ejusdem comitatus Norhamtonie ferente res venales in eandem villam Norhamtonie ibidem vendendas unum obolum (here follow other tolls). Ita tamen quod occasione istius concessionis nostre de hujusmodi carectis, carris, summagiis, equis, equabus, bobus, vaccis, ovibus, capris vel porcis nichil capiatur post predictum terminum completum set statim, completo termino illo, cadat consuetudo illa et penitus aboleatur.

(Know ye, that we have granted to our burgesses of Northampton, in aid of the fortification of the town of Northampton for the security and safety of the same town and of the parts adjoining, that they may take once in every week for three years from Christmas in the ninth year of our reign, from every wagon or cart of the same county of Northampton bringing goods for sale into the same town, one halfpenny... (here follow other tolls).... Provided nevertheless that by reason of this our grant nothing shall be taken from wagons, carts, sumpter horses, horses, mares, oxen, cows, sheep, goats or pigs after the aforesaid term is completed, but that immediately the term is completed this custom shall cease and be totally abolished.)

HEREFORD, 1231. 6 years from Whitsuntide, 1230.

NORTHAMPTON, 1252. Rex maiori, burgensibus ac aliis probis hominibus Northamptonie salutem. Sciatis quod concedimus vobis in auxilium ville vestre de Norhamtonia claudende quod in eadem villa capiatis ad emendationem murorum ejusdem ville de qualibet carecta ferente buscam venalem unam quadrantem... (here follow other tolls) duratura a festo Pasche anno &c. xxxvi per duos annos.

¹ For seven other murages between 1233 and 1297 see Gilbert, *Hist. Docs. of Ireland*, 96-194.

(The king to the mayor, burgesses and other good men of Northampton, greeting. Know ye that we grant to you in aid of the fortification of your town of Northampton that you shall take in the same town for the repair of the walls of the same town from every wagon bearing brushwood for sale one farthing... (here follow other tolls) to last from Easter in the 36th year of our reign for two years.)

NORTHAMPTON, 1301. For 5 years.

CARDIGAN, 1249. Et quod a festo Omnium Sanctorum anno &c. xxxiii^o in tres annos sequentes possint homines nostri predicti capere in villa sua de Kardigan de quolibet dolio vini unum denarium &c. ad firmandum inde villam suam de Cardigan.

(And that from the feast of All Saints in the 33rd year of our reign for the three years following, our aforesaid men may take in their town of Cardigan from every cask of wine, one penny, etc. to fortify therewith their town of Cardigan.)

OXFORD UNIVERSITY, 1251. Quia quidam clerici tenentes quasdam domos de quibus muragium debetur non permittunt illud muragium leuari per maiorem et ballivos Oxon., mandatum est cancellario universitatis Oxon. quod de firma domorum illarum muragium predictum leuari faciat secundum consuetudinem eiusdem villae et maiori et ballivis predictis liberari ne pro defectu suo collectio muragii predicti retardetur¹.

(Whereas certain clerks, tenants of certain houses from which murage is due, do not permit the same murage to be levied by the mayor and bailiffs of Oxford, order is given to the chancellor of the University of Oxford that he cause the said murage to be levied from the rent of those houses, according to the custom of the same town, and to be paid to the mayor and bailiffs aforesaid, so that the collection of the aforesaid murage be not delayed by any failure on their part.)

(18) Pavage² and Pontage

NORTHAMPTON, 1284. Rex maiori et ballivis suis Northamptonie salutem. Sciatis quod concessimus vobis in auxilium ville vestre paviende quod a festo Sancti Johannis Baptiste anno regni nostri tercio decimo usque ad finem duorum annorum proximo sequencium completorum capiatis in eadem villa consuetudines subscriptas, videlicet... (here follows a list of tolls). Et ideo vobis mandamus quod dictam consuetudinem usque ad finem termini predicti capiatis sicut predictum est; completo autem termino duorum annorum, dicta consuetudo penitus cesset et deleatur.

¹ Twyne suggests that this murage was derived from the mural mansions of Domesday Book (II, 453). (B.)

² See p. 347, n. 1. For exemptions from pavage tolls see V A 7.

(The king, to his mayor and bailiffs of Northampton, greeting. Know ye that we have granted to you in aid of the paving of your town, that from the feast of St John the Baptist in the thirteenth year of our reign to the end of two years thence next following you may take the following customs in the same town... (here follows a list of tolls). And therefore we command you that you take the said custom to the end of the aforesaid term as is aforesaid, but that on the completion of the said term, the said custom entirely ceases and is abolished.)

SHREWSBURY, 1284. Grant "in auxilium pontis vocati le Whalsebrugge (Welsh Bridge) qui dirutus est et confractus ad grave dampnum et periculum hominum tam per pontem illum quam subtus eum per aquam transeuntium" of tolls to be levied for three years on all articles brought in for sale, of which a long and minute table follows.

VII. BOROUGH OFFICERS

(1) POWER TO ELECT

(c)¹ Reeves, Provosts

[NORTHAMPTON, 1200². Et burgenses Norhantoniae faciant prepositum quem voluerint de se per annum qui sit idoneus nobis et eis.]

(And the burgesses of Northampton shall make a reeve whom they will of themselves every year who shall be suitable to us and them.)]

NORTHAMPTON, 1227.

DROGHEDA (Louth), 1229.

DROGHEDA (Meath), 1247.

Line 2. *Omit* nobis et eis.

[NORTHAMPTON, 1200³. Hoc modo scilicet quod iidem burgenses nostri de Norhamtoniae per commune consilium villatae suae eligant duos de legalioribus et discretioribus burgensibus villae suae et presentent eos vicecomiti Norhamtonscir', et vicecomes unum illorum presentet capitali iustitiae nostrae apud Westmonasterium, cum compositum suum reddere debet, qui bene et fideliter custodiat preposituram villae Norhamtoniae, et non amoveatur quamdiu se in balliva illa bene gesserit, nisi per commune consilium villatae suae.]

(That our same burgesses of Northampton by the common counsel of the town shall elect two of the most legal and discreet burgesses of their town, and present them to the sheriff of Northamptonshire, and the sheriff shall present one of them to our chief justice at Westminster, when he ought to render his account, and he shall well and faithfully keep his bailliwick of the town of Northampton, and shall not be removed so long as he behave himself well in that bailliwick, except by the common counsel of their town.)]

NORTHAMPTON, 1227.

Line 4. *For* vicecomiti...presentet *read* per litteras patentes suas.

5. *Omit* cum...debet.

6, 7, 8. *Read* custodiant, amoveantur, gesserint.

MONTGOMERY, 1228-9. Concessimus etiam eisdem burgensibus nostris quod habeant de electione sua duos prepositos ad villam custodiendam qui iurent coram nobis, vel constabulario nostro, si presentes non fuerimus, quod villam nostram ad opus nostrum et heredum nostrorum saluo custodient, et in omnibus iusticiam exhibebunt et rectas assisas in eadem villa facient observari.

¹ No new clause (but cf. p. 361) concerning sheriffs ((a) in vol. 1) and no clauses relating to a justiciar ((b) in vol. 1) in this period.

² Vol. 1, p. 244. See also II B 21, III, 13, VI 2, and sect. 2 below (Swansea, 1306).

³ Vol. 1, p. 244.

(We have granted also to our said burgesses that they shall have of their election two reeves to keep the town who shall swear before us, or our constable, if we are not present, to keep our town safely for the use of us and our heirs, and to show justice in all things and to cause right assizes to be observed in the said town.)

SALFORD, c. 1230. *Predicti burgenses possunt eligere prepositum de se ipsis quem voluerint et remove in fine anni.*

(The aforesaid burgesses may elect a reeve of their own number, whom they will, and remove him at the end of the year.)

BOLTON, 1253.

Line 2. *After anni add eundem.*

STOCKPORT, c. 1260.

Line 2. *Add per consilium domini vel sui ballivi.*

MANCHESTER, 1301.

Line 1. *Omit Predicti and insert debent et after burgenses.*

2. *Insert prepositum before remove and omit in fine anni.*

CANTERBURY, 1234. *Quod de seipsis ballivos suos civitatis Cantuarie eligant imperpetuum.*

(That of their own number they may elect their bailiffs of the city of Canterbury for ever.)

DUNHEVED, 1225-56. *Concessimus etiam ipsis et heredibus, pro nobis et heredibus nostris, habere eleccionem suam de prepositis suis.*

(We have granted also to them and their heirs, for us and our heirs, that they may have the election of their own reeves.)

NEWPORT (Kemmes), c. 1241. *Item, debent habere prepositum et cachepolum per commune consilium meum et suum.*

(Item, they ought to have a reeve and catchpoll appointed by consultation with me.)

BERKELEY, c. 1235-6. *Item, concessi eisdem quod nullus illorum prepositus sit nisi ad placitum illorum et quod mercedem dicti prepositi de jure persolvam.*

(I have also granted to them, that none of them shall be reeve, except at their pleasure, and that I will pay the salary of the said reeve as a legal obligation.)

SALTASH, before 1246. *Concessi etiam quod habeant prepositum suum per propriam eleccionem suam, et quod idem habeat totum theloneum panis in eadem villa et redditum domus sue in quo manet quietum pro servicio suo.*

(I have also granted that they shall have their reeve by their own election, and that he shall have all the toll of bread of the same town, and quittance of the rent of his house in which he dwells, for his service.)

FARNHAM, 1247. *Item, eligere debent ballivos suos pro voluntate sua et instituere et remove quotiens voluerint, sine contradiccione quorumcunque ministrorum nostrorum.*

(Item, they ought to elect their own bailiffs according to their own will, and install and remove them as often as they will, without any contradiction from any of our ministers whomsoever.)

POOLE, c. 1248. Quod ex seipsis, quocienscunque fuerit necessarie, eligant ad prefecturam dicti burgi mei de Pola sex burgenses ex quibus ego et heredes mei pro tempore quemcunque eorum nobis viderimus expedire prepositum nostrum faciemus, qui iura nostra et burgensium, prestito sacramento, fideliter conservabit, qui quidem si postmodum ad opus nostrum minus utilis inveniatur, illum admovebimus et alium secundum formam predictam electum loco suo subrogabimus.

(That as often as it shall be necessary, they shall elect six burgesses of their own number for the reeveship of my said borough of Poole, of whom I and my heirs shall make one to be our reeve, whomsoever we shall consider to be fitting, and he shall be sworn to keep faithfully our rights and those of the burgesses, and if afterwards he is found to be useless for our service, we may remove him and substitute another in his place, who shall be elected according to the aforesaid form.)

WEYMOUTH, 1252. Et quod sic se habeant et teneant tam in ballivis, prepositis et ministris....

Salvo tamen nobis et successoribus nostris et ecclesie nostre Wyntonie imperpetuum quod omnes ballivi sive ministri dicti burgi quicunque pro loco et tempore fuerint per burgenses dicte ville eligantur, et coram nobis vel seneschallo nostro sive ballivo annuatim ad proximam curiam post festum Sancti Michaelis presententur, qui nobis et successoribus nostris et ecclesie nostre Wyntonie fidelitatem faciant, et fideliter respondeant de omnibus placitis, querelis, wreccis, commodis et proficuis qui de dictis villa et portu de Wayemue et hominibus ibidem existentibus, quocunque casu contingente, nobis et successoribus et ecclesie nostre Wyntonie accidere poterunt.

(And that they thus conduct themselves both in bailiffs, reeves and ministers....

Saving however to us and our successors and to our church at Winchester for ever that all bailiffs or ministers of the said borough for the time being shall be elected by the burgesses of the said town, and shall be presented to us or our steward or bailiff every year at the first court after Michaelmas, and that they shall do fealty to us and our successors and our church at Winchester, and shall faithfully answer for all pleas, complaints, wrecks, commodities and profits which from the said port and town of Weymouth and the men living there, in any manner, may happen to accrue to us, our successors, and our church of Winchester.)

BRIDPORT, 1253. Concessimus etiam eisdem hominibus quod, sine contradictione et impedimento alicujus, eligere possint de se ipsis, cum voluerint, unum vel duos ballivos qui de firma ejusdem burgi cum incremento singulis annis respondeant ad predictum scaccarium¹, et de omnibus aliis ad nos et heredes nostros inde pertinentibus.

¹ See VI 1.

(We have also granted to the same men that, without contradiction and hindrance of any, they may elect of their own number, when they will, one or two bailiffs who shall answer for the farm of the same borough every year at the aforesaid exchequer, and for the increment, and for all other matters thence pertaining to us and our heirs.)

MACCLESFIELD, 1261. Et quod burgenses predicti faciant sibi prepositos per semetipsos, per assensum et consilium nostrum vel ballivorum nostrorum.

(And that the burgesses aforesaid may make reeves of themselves, with the assent and advice of us or our bailiffs.)

RETFORD, 1276. Et quod ipsi et eorum heredes de anno in annum, vel quando sibi expedire viderint, decetero eligant et habeant ballivos suos proprios de communitate ville predicte, qui villam illam custodiant et officium ballivi ibidem exerceant.

(And that they and their heirs shall from year to year, or when they shall see fit, henceforth elect and have their own bailiffs of the community of the aforesaid town, who shall keep that town and perform the office of bailiff there.)

NEW ROSS, c. 1279. Concessimus predictis burgensibus quod possint eligere prepositos suos infra libertatem suam de Rosponte et nobis et heredibus nostris si presentes fuerimus in Hibernia apud Veterem Rosse presentare, et si absentes fuerimus presentabunt prepositos suos electos senescallo nostro vel locum nostrum tenenti in villa de Nova Rosse, sicut temporibus predecessorum nostrorum facere consueverunt.

(We have granted to the aforesaid burgesses that they may elect their provosts within their liberty of Rospont and present them to us and our heirs, if we shall be in Ireland, at Old Ross, and if we be absent they shall present their chosen provosts to our steward or deputy in the town of New Ross, as they used to do in the times of our predecessors.)

LAUGHARNE, 1278-82. Quod ipsi eligant bis in anno duos competentes burgenses ad prepositum nostrum, videlicet in proxima hebdomada post festum S. Michaelis unum, et in proxima hebdomada post Pascham, alium, per communam consensum eorundem et non auctoritate nostra vel alicujus ballivi nostri, ad tenendum hundreda et ad recipiendum attachiamenta pertinentia ad hundredum, et ad recipiendum redditum de villa et theolonium, et quod dicti prepositi liberarent predictum redditum et theolonium nobis vel dicto ballivo nostro ad hoc assignato et infra villam de Thalacarn per talliam.

(That they shall elect twice in the year two competent burgesses as our reeve, to wit, in the first week after Michaelmas one and in the first week after Easter, another, by their common assent and not by the authority of ourselves or our bailiff, to hold the hundred courts, and to receive the attachments pertaining to the hundred, and to receive the rent of the town and the toll, and that the said reeves shall pay the aforesaid rent and toll to us or our bailiff assigned for this purpose within the town of Laugharne by tally.)

NOTTINGHAM, 1284. Et quod statim eadem electione (*i.e.* maioris) facta, eligant unum ballivum de uno burgo et alium de alio burgo pro diversitate consuetudinum in eisdem burgis habitarum¹, qui ea que pertinent ad officium suum exequantur.

(And that immediately after the election of a mayor, they shall elect one bailiff from one borough and another from the other borough, on account of the differences in custom in those boroughs, who shall perform the duties pertaining to their office.)

CONWAY, 1284. Concedimus etiam quod ipsi burgenses singulis annis in festo Sancti Michaelis duos ballivos idoneos et sufficientes de semetipsis eligant, et dicto constabulario tanquam maiori suo presentent, qui in presentia dictorum maioris et burgensium jurent quod officium ballivae sue fideliter facient et exequentur.

(We also grant that the same burgesses may every year at Michaelmas elect two fit and sufficient bailiffs, and present them to the said constable as to their mayor, and that they, in the presence of the said mayor and burgesses, shall swear to do and perform the duty of their office faithfully.)

CARNARVON, 1284.

CRICCIETH, 1284.

HARLECH, 1284.

BERE, 1284.

FLINT, 1284.

RHUDDLAN, 1284.

BEAUMARIS, 1296.

CARDIGAN, 1284. Quod de seipsis eligant singulis annis quattuor probos et legales homines et eos constabulario nostro ibidem qui pro tempore fuerit in proximo hundredo nostro post Pascha presentent, qui unum ex ipsis quattuor eligat et preficiat ballivum nostrum ville predictae, qui sacramentum prestabit coram eodem constabulario de hiis que ad ballivam ejusdem ville pertinent faciendis et fideliter exequendis.

(That they shall elect four upright and lawful men of their own number every year and present them to our constable there for the time being in the hundred court next after Michaelmas, and he shall elect one of those four and make him our bailiff of the town aforesaid, who shall take his oath before the same constable for the performance and faithful execution of those things which pertain to the bailliwick of the same town.)

HAVERFORDWEST, 1291.

Line 1. *For quattuor read tres.*

4. *For quattuor read tribus.*

OVERTON, 1292.

Line 1. *For quattuor read tres.*

2. *For constabulario read ballivo.*

3. *For Pascha read festum S. Michaelis.*

4. *For quattuor read tribus.*

5. *For constabulario read ballivo.*

¹ For the English and French boroughs at Nottingham see *H.E.L.* II, 279.

ALTRINCHAM, c. 1290. Concedo etiam quod predicti burgenses mei faciant sibi prepositos et ballivos per commune concilium mei vel ballivorum meorum et ipsorum.

(I also grant that the burgesses aforesaid may make reeves and bailiffs for themselves by the common counsel of myself or my bailiffs and themselves.)

KNUTSFORD, c. 1292. Et quod dicti burgenses mei inter se idoneum ballivum eligant et habeant qui in officio suo mihi et burgensibus meis sacramentum¹ observando² fideliter prestabit.

(And that the said burgesses shall of themselves elect and have a fit bailiff who shall take an oath for observing his duty to me and my burgesses faithfully.)

NEWPORT (Isle of Wight), 1262-93. Quod nullus in dicto burgo sit prepositus aut ballivus nisi ipse quem iidem burgenses et heredes eorum ex communi electione et assensu eligerent.

(That none shall be reeve or bailiff in the said borough but he, whom the said burgesses, etc. shall elect by their common election and assent.)

TENBY, 1265-94. Concessimus eciam eisdem licenciam duo paria prepositorum in anno eligendi ad opus nostrum vel heredum nostrorum idoneorum ex communi consilio eorundem absque alicuius alterius ballivi eleccione.

(We have also granted to them license to elect two pairs of reeves in the year, fit for the service of us or our heirs, to be elected by their common counsel, without the election of any other bailiff.)

KIRKHAM, 1296. Quod predicti burgenses habeant ballivos de [seipsis] in dicto burgo nobis et successoribus nostris presentatos et juratos...perquisita curiarum, stallagia, emendas panis et cervisie, [et tolmeta mercatorum et feriarum] cum accideri[n]t semper nobis et successoribus nostris [reservare].

(That the aforesaid burgesses shall have bailiffs of [themselves] presented to us and our successors and sworn, always [to reserve] for us and our successors the perquisites of the courts, the stallages, the fines for (breaches of the assize of) bread and beer [and tolls of markets and fairs] when they fall in³.)

BERWICK-ON-TWEED, 1302. Et quod major et communitas eiusdem burgi de seipsis singulis annis eligant quattuor ballivos discretos et idoneos, qui fideliter faciant et exequantur que ad officium ipsorum pertinent in burgo predicto, et nobis et heredibus nostris coram dicto maiore jurent fidelitatem.

(And that the mayor and community of the said town shall every year elect from their own number four discreet and fit bailiffs, who shall faithfully do and execute those things which pertain to their office in the borough aforesaid, and shall swear fealty to us and our heirs before the said mayor.)

¹ Corrected from "sacramento."

² "observandam," Ormerod's copy.

³ The bracketed readings are based on the 17th century translation.

YEOVIL, 1305-6. That everyone of his (Robert de la More's) burgesses, without distinction may be reeve (*prepositus*) of the borough. That he shall be elected by the burgesses, and received and approved by the rector¹ (More), that he should be sworn to the rector, and be answerable to the same for all rents, fines or profits arising from the courts.

(c*) No Compulsion to serve as Reeve

CHESTERFIELD, 1226-7. (Fine.) *Preterea dictus W. Briuerr' concessit eisdem burgensibus quod nullus eorum fiet prepositus in villa de Cestrefeld nisi per liberam voluntatem eorum.*

(Moreover the said W. Brewer granted that none of them should be made reeve in the town of Chesterfield without their free consent.) [Cf. II B 21.]

(d) Coroners

NORTHAMPTON, 1227². *Volumus etiam quod in eodem burgo Norhamtoniae per commune consilium villatae eligantur quattuor de legalioribus et discretioribus hominibus de burgo ad custodienda placita coronae nostrae et alia quae ad nos et ad coronam nostram pertinent in eodem burgo et ad videndum quod prepositi illius burgi juste et legitime tractent tam pauperes quam divites.*

(We will also that in the same borough of Northampton there shall be elected by the common counsel of the town four of the more lawful and more discreet men of the borough to keep the pleas of the crown and the other matters which pertain to us and our crown in the same borough, and to see that the reeves of that town justly and lawfully treat both poor and rich.)

DROGHEDA (Louth), 1229.

Line 2. *For villatae read eorundem burgensium.*

For quattuor read duo.

3. *After burgo insert coram iusticiariis nostris quando venient in villa de Drogheda ad assisas capiendas.*

(In the presence of our justices when they come into the town of Drogheda to hold assizes.)

Lines 4, 5. *Omit et alia...burgo.*

DROGHEDA (Meath), 1247. As Drogheda (Louth), but:

Line 6. *For tam...divites read omnes pauperes.*

MONTGOMERY, 1228-9. *Concessimus etiam eisdem quod habeant de electione sua duos coronatores, [qui] iurent coram nobis uel constabulario nostro, si presentes non fuerimus, quod placita corone fideliter attachiabunt et custodient donec illa placitari faciamus pro voluntate nostra.*

¹ The rector (*persona*) was lord of the town.

² Cf. Northampton, 1200, vol. 1, p. 246.

(We have granted also that they shall have of their own election two coroners, who shall make oath before us, or our constable, if we are not present, that they will attach the pleas of the crown faithfully and keep them until we shall cause them to be pleaded according to our will.)

NOTTINGHAM, 1230. Et quod habeant coronatores de se ipsis in eadem villa.

(And that they shall have coroners of their own number in the said town.)

SHAFTESBURY, 1252. Et quod iidem burgenses nostri de se ipsis eligere possint singulis annis duos coronatores qui, prestito prius sacramento fidelitatis coram eisdem burgensibus, ex tunc faciant et conservent ea que ad coronam nostram pertinent in eadem villa dum tamen tales ad hoc eligant qui melius sciant et ad hoc possint intendere.

(And that our said burgesses may elect of themselves every year two coroners who, having first taken their oath of fealty before the said burgesses, shall do and keep those things which pertain to the crown within the said town, provided that they elect men who best know and can watch over these matters.)

NEWCASTLE-ON-TYNE, 1252. (Letters Patent.) Quod se seipsis de cetero successive eligere et habere possint coronatores in villa predicta qui, prestito sacramento fidelitatis in plena curia coram majore et ballivis eiusdem ville, faciant et conservent ea que ad coronam nostram pertinent in villa predicta. Ita tamen quod tales ad hoc eligant et assignent qui melius sciant et possint ad hoc intendere.

(That of their own number they may elect and have coroners henceforth in the town aforesaid, who, after having taken the oath of fealty in full court before the mayor and bailiffs, shall do and keep those matters which pertain to our crown in the town aforesaid. Provided that they elect and assign for this purpose only such as best know and can watch over these matters.)

BRISTOL, 1256. Quod ipsi et eorum heredes, burgenses ejusdem villae, de seipsis eligere possint et creare coronatores¹ in predicta villa ad attachiamenta placitorum coronae nostrae infra predictam villam et libertates ejusdem villae emergentium facienda: et respondeant coram justiciis nostris itinerantibus in partibus illis de attachiamentis per ipsos factis et aliis ad officium coronatoris pertinentibus, sicut alii coronatores nostri respondere debent et solent.

(That they and their heirs, being burgesses of the said town, may elect and create coroners from their own number in the aforesaid town to make attachments of pleas of our crown arising within the aforesaid town and its liberties: and they shall answer before our justices itinerating in those parts for the attachments made by themselves and for other matters pertaining to the duty of a coroner, as our other coroners ought and are wont to answer.)

DUNWICH, 1256.

IPSWICH, 1256².

SOUTHAMPTON, 1256 (b)

¹ Corrected from "coronatorem"; the use of the plural verb in line 4 requires this alteration; and as early as 1221 there had been two coroners for the town (Latimer, *Charters of Bristol*, 33).

² Cf. vol. I, p. 247.

KINGSTON-ON-THAMES, 1256 (c).

Lines 3, 4. *Omit et libertates...villae.*

BATH, 1256 (a).

Lines 1, 2. *Omit ipsi...villae.*

3, 4. *Omit et libertates...villae.*

Line 5. *For per ipsos factis read ipsis.*

6. *For pertinentibus read spectantibus.*

CAMBRIDGE, 1256 (b).

Lines 1, 2. *For ipsi...villae read iidem burgenses.*

3, 4. *Omit et libertates...villae.*

4-7. *For et respondeant...end read usque ad adventum justiciarum nostrorum sicut alibi ad coronatores nostros pertinet.*

SCARBOROUGH, 1256 (b). Et quod de seipsis eligere possint coronatorem seu coronatores, quociens opus fuerit, ad facienda et conservanda ea que ad coronam nostram pertinent in predictis burgo et manerio. Ita quod placitare possint in eodem burgo omnia placita que in aliquo burgo nostro aut civitate placitari et terminari possint aut consueverunt sine iusticiis nostris itinerantibus.

(And that of their number they may elect a coroner or coroners, as often as need be, to do and keep those things which pertain to our crown in the aforesaid borough and manor. So that they may plead in the said borough all pleas which can be or are wont to be pleaded and determined in any of our boroughs or cities without our justices in eyre.)

DERBY, 1256. Et quod de se ipsis eligere possint coronatorem, quociens opus fuerit¹.

(And that they may elect a coroner from their own number, as often as need shall be.)

COVENTRY, 1267. (To prior of Coventry.) Et quod ipsi de hominibus suis ville predictae de Coventre coronatores habeant infra villam ipsam qui de omnibus que ad officium coronatoris pertineant coram iusticiis nostris itinerantibus in comitatu illo respondeant.

(And that they (*i.e.* the prior and monks) have coroners from their own men in the aforesaid town of Coventry, who shall answer before our justices in eyre in the same county for all things which pertain to the office of a coroner.)

YORK, 1267. Sciatis quod pro laudabili serviticio quod venerabilis pater Walterus Eboracensis archiepiscopus Anglie primas nobis impendit concessimus ei et decano et capitulo suo Ebor' quod ipsi de hominibus suis civitat[is] Ebor' tenentibus de archiepiscopatu et ecclesia Eboracensi coronatores habeant imperpetuum infra eandem civitatem qui de omnibus que ad officium coronatoris pertinent coram iustic' nostris itinerantibus et aliis iustic' nostris in comitatu Ebor' respondeant. Et prohibemus quod nullus vicecomes, coronator vel alius ballivus noster

¹ Perhaps abbreviated on the Originalia Roll.

intromittant (*sic*) se de aliquibus que ad coronatorem ibidem pertinent sine licencia et voluntate ipsius archiepiscopi et decani vel capituli seu successorum suorum super forisfacturam nostram decem librarum.

(Know ye that for the praiseworthy service which the venerable father Walter archbishop of York, primate of England, has rendered to us we grant to him and to the dean and chapter of York that they may have in perpetuity coroners within the city for their men of the city holding of the archbishopric and the church of York, who shall answer before our justices in eyre and our other justices in the county of York for all things touching the office of coroner. And we forbid that any sheriff, coroner or other bailiff of ours shall meddle with any matters touching the coroner there without the license of the archbishop and the dean and chapter, on pain of forfeiting £10.)

HULL, 1299. Et etiam quod ipsi burgenses et eorum heredes per brevia nostra de cancellaria coronatorem eligant de seipsis et ipsum dicto custodi presentent, coram quo prestet sacramentum quod fideliter faciat et conservet ea que ad officium coronatoris pertinent in burgo predicto.

(And also that in pursuance of our writs from the chancery, the said burgesses and their heirs may elect out of their own number a coroner and shall present him to the said warden, in whose presence he shall swear that he will faithfully do and keep those matters which pertain to the duty of a coroner in the borough aforesaid.)

"RAVENSEROD," 1299.

BERWICK-ON-TWEED, 1302.

Line 2. *After* cancellaria *insert* Scocie.

3. *For* custodi *read* majori.

CHESTER, 1300. Et concessimus eis, pro nobis et heredibus nostris, quod ipsi et heredes sui predicti eligere possint de se ipsis coronatores in civitate predicta, quotiens opus fuerit, qui coram maiore ejusdem civitatis presentent sacramentum quod attachiamenta placitorum corone nostre infra civitatem illam et libertatem ejusdem emergencium et alia que ad officium coronatoris ibidem pertinent fideliter faciant et exequantur.

(And we have granted them, for us and our heirs, that they and their heirs aforesaid may elect coroners of themselves, as often as need be, in the city aforesaid who, before the mayor of the same city, shall swear that they will faithfully do and execute the attachments of the pleas of our crown arising in that city and its liberty and the other matters which pertain to the office of a coroner.)

(e) Mayor¹

LONDON, 1227². Sciatis nos concessisse...baronibus nostris de civitate nostra Londoniae quod eligant sibi majorem de se ipsis singulis annis qui nobis fidelis sit, discretus et idoneus ad regimen civitatis, ita quod cum electus fuerit, nobis vel justitie nostro, si presentes non

¹ See also Hartlepool, 1230 (V B 1).

² As London, 1215 (vol. 1, p. 247).

fuerimus, presentetur et nobis juret fidelitatem, et quod liceat eis ipsum in fine anni amovere et alium substituere si voluerint, vel eundem retinere, ita tamen quod nobis ostendatur vel justitiae nostro, si presentes non fuerimus.

(Know ye that we have granted to our barons of our city of London that they may elect for themselves a mayor of themselves every year who shall be faithful to us, and discreet and fit for the government of the city, so that when he is elected he shall be presented to us or our justice, if we are not present, and shall swear fealty to us, and that it shall be lawful for them to remove him at the end of the year, and substitute another if they so wish, or retain the same man, provided that he be presented to us or our justice, if we are not present.)

DUBLIN, 1229 (b)¹.

Line 2. *After sibi insert in perpetuum.*

Lines 4, 7. *After justitiae nostro insert Hiberniae.*

Line 7. *After quod insert idem.*

LIMERICK, 1292. As Dublin. See Addenda.

LONDON, 1253. Quod quemlibet maiorem quem eligerint in civitate nostra Londoniarum, nobis aut heredibus nostris non existentibus apud Westmonasterium, presentare possint annuatim baronibus nostris de scaccario ut ab eisdem tanquam maior admittatur. Ita tamen, quod in proximo adventu nostro sive heredum nostrorum usque Westmonasterium vel Londonias, nobis aut heredibus nostris representetur, et in maiorem admittatur.

(That if we or our heirs shall not be at Westminster, they may present whomsoever they shall elect as mayor in our city of London to the barons of our exchequer, that by them he may be admitted as if mayor. Provided that at the next visit of us or our heirs to Westminster or London, he shall be presented again to us or our heirs, and shall be admitted as mayor.)

LONDON, 1299. (After reciting clause from 1253, printed above.) Volentes eisdem civibus gratiam in hac parte facere uberiores, concedimus eis...quod maior eiusdem civitatis cum per ipsos cives electus fuerit, necnon et vicecomites civitatis eiusdem, cum per ipsos similiter consueto termino electi fuerint, nobis et heredibus nostris aut baronibus predictis² apud Westmonasterium vel Londonias non existentibus, constabulario Turris nostrae Londoniarum, qui pro tempore fuerit, extra portam dictae Turris annuatim presententur et admittantur in forma qua ad dictum scaccarium prius presentari consueverant et admitti. Ita tamen (as in above recited clause).

(We, wishing to do more abundant favour to the said citizens, do grant that the mayor of the said city when he has been so elected by them, and also the sheriffs, when they have been elected at the wonted time, if we or our heirs

¹ This grant was in consideration of a release of a loan of £312 made to the king by 12 citizens of Dublin (*Hist. and Mun. Docs. Ireland*, p. 92).

² The words "aut baronibus predictis" are left untranslated in *C.Ch.R.* II, 478.

or our said barons are not present in Westminster or London, shall be presented every year to the constable for the time being of our Tower of London, outside the gate of the said Tower, and shall be admitted, in the manner in which they were wont to be presented and admitted at the said exchequer. Provided nevertheless (as in the charter of 1253).)

LYNN, 1234. (Fine.) Hec est finalis concordia facta in curia domini regis apud Westmonasterium a die Sanctae Trinitatis in quindecim dies anno regni regis Henrici filii Johannis 18^o, coram Roberto de Lexinton &c. justiciis et aliis domini regis fidelibus tunc ibi presentibus, inter majorem et burgenses de Len querentes et Thomam Norwic' episcopum vexantem per magistrum Johannem de Huntendon positum loco suo ad lucrandum vel perdendum de hoc quod predicti major et burgenses quesiti fuerunt quod predictus episcopus traxit eos in placitum in curia Christianitatis et in eos tulit sententiam excommunicationis eo quod creaverunt inter se majorem et se talliaverunt infra predictum burgum sine assensu episcopi et unde placitum fuit inter eos in eadem curia: Scilicet, quod predictus episcopus concessit pro se et successoribus suis et ecclesia sua Norwic' quod predicti burgenses et eorum heredes de cetero eligant et creent sibi majorem quemcunque voluerint de suis. Ita quod statim ex quo electus et creatus sit presentetur episcopo et successoribus suis, ubicunque fuerint in episcopatu Norwic', qui ad presentationem proborum hominum de Len admittetur ab eodem episcopo et successoribus suis, quicunque fuerit electus et creatus per eos in majorem, sine aliqua contradiccione ipsius episcopi et successorum suorum in perpetuum. Et pro hac concessione, fine et concordia predicti major et burgenses concesserunt pro se et heredibus suis quod quicunque pro tempore fuerit major creatus et electus per eos promittet bona fide coram episcopo et successoribus suis in fide qua eis tenetur quod omnia que ad officium majoritatis spectabunt fideliter servabit quamdiu fuerit major et libertates ecclesie Norwic', quantum in ipso erit, conservabit illaestas. Et hec concordia facta fuit presente domino rege et isto cedente.

(This is the final agreement made in the court of our lord the king at Westminster in the quindene of the Holy Trinity in the 18th year of the reign of king Henry son of king John, before Robert of Lexinton, etc. justices and other lieges of our lord the king there present, between the mayor and burgesses of Lynn complainants and Thomas bishop of Norwich, defendant, by master Thomas of Huntingdon his attorney to win or lose, because the mayor and burgesses aforesaid complained that the bishop aforesaid had taken them into the court of Christianity and had issued a sentence of excommunication against them for that they had created a mayor among themselves and had tallaged themselves within the borough aforesaid without the consent of the bishop, and for which there was a plea between them in the same court, To wit, that the bishop aforesaid granted for himself and his successors and his church of Norwich that the burgesses aforesaid and their heirs shall henceforth

elect and create a mayor for themselves whomsoever they wish out of their own number. Provided that immediately after his election and creation, he shall be presented to the bishop and his successors, wheresoever they may be within the bishopric of Norwich, and on the presentation of the good men of Lynn he shall be admitted, whosoever shall be elected and created mayor, without any contradiction on the part of the bishop and his successors for ever. And for this grant, fine and concord, the mayor and burgesses aforesaid have granted for themselves and their heirs that whoever shall for the time being be elected and created mayor shall promise in good faith before the bishop and his successors that he will faithfully keep all things relating to his office of mayor as long as he shall be mayor, and as far as in him lies, will preserve undiminished the liberties of the church of Norwich. And this agreement was made in the presence of the king and with his consent.)

LYNN, 1268. Cumque S[imon] quondam Norwicensis episcopus et capitulum suum Norwicense concesserint et carta sua confirmaverint prefatis burgensibus quod ipsi per suam eleccionem creare possint sibi aliquem de suis in maiorem et maiorem ab eis creatum eidem episcopo et successoribus suis presentare, sicut per cartam eorundem quam inspeximus nobis constat evidenter, Nos pro...concessimus pro...prefatis burgensibus et heredibus suis quod loco prepositi sui predicti decetero eligant maiorem et maiorem sic electum teneant sine impedimento nostri vel heredum nostrorum imperpetuum¹.

(And whereas S[imon] late bishop of Norwich and his chapter have granted to the said burgesses and confirmed by their charter that they may of their own choice appoint one of themselves as mayor and present the mayor so appointed by them to the bishop and his successors, as well appears by their charter which we have inspected, We for [good service rendered by the burgesses during the late trouble in the realm] grant for [ourselves, etc.] to the said burgesses and their heirs that in lieu of their reeve they may in future elect and have a mayor and have the mayor so elected without impediment of us or our heirs.)

SOUTHAMPTON, 1249. Sciatis quod concessimus burgensibus nostris de Suhampton quod ipsi et eorum heredes aliquo tempore non habeant maiorem in predicta villa nostra de Suhampton.

(Know ye that we have granted to our burgesses of Southampton that they and their heirs shall not at any time have a mayor in our aforesaid town of Southampton.)

DROGHEDA (Louth), 1253. Et quod possint facere de se ipsis unum majorem in predicto burgo, per eleccionem eorundem burgensium, qui videat quod prepositi et alii ballivi ejusdem burgi juste tractent tam pauperes quam divites.

(And that they may make one mayor of their own number in the aforesaid borough, by the election of the same burgesses, who shall see that the reeve and other bailiffs of the borough justly treat both poor and rich.)

¹ Continued in VII 2.

OXFORD, 1257 (a). Et si in creatione maioris sui contingat nos vel heredes nostros in partibus agere longinquis per quod ad nos commodè accedere non possint ad presentandum nobis maiorem suum, concedimus eis quod ipsi maiorem suum presentare possint coram baronibus nostris de scaccario sicut cives nostri Londonienses presentant maiorem suum¹.

(And if, at the creation of their mayor, it happens that we or our heirs are in distant parts, so that they cannot conveniently approach us to present to us their mayor, we grant to them that they may present their mayor to our barons of the exchequer as our citizens of London present their mayor.)

CONGLETON, 1272-c. 1274. Et quod burgenses nostri predicti eligant sibi per semetipsos maiorem et cachepol et tastatores cervisie et illos presentabunt in app[ar]encia magnae curiae nostrae ibidem die Martis proxima post festum S. Michaelis: et ballivus noster sacramentum eorum capiet de fidei servicio suo domino et communitati.

(And that our burgesses aforesaid may elect for themselves henceforth a mayor and catchpoll and ale-tasters, and shall present them in the sitting of our great court on the Tuesday next after the feast of St Michael, and our bailiff shall administer to them an oath of faithful service to their lord and the community.)

NOTTINGHAM, 1284. Et ad relevationem status burgensium et aliorum hominum eiusdem ville concessimus...quod ipsi decetero habeant in eadem villa unum maiorem de se ipsis quem, congregatis burgensibus utriusque burghi eiusdem ville singulis annis in festo Sancti Michaelis, unanimo consensu et voluntate eligant ut presit ballivis et aliis de eadem villa in omnibus que pertinent ad utriusque burghi eiusdem ville regimen et juvamen.

(And, for the improvement of the position of the burgesses and other men of the said town, we have granted...that from henceforth they shall have in the said town a mayor of their own number, whom at a meeting of all the burgesses of both boroughs every year on the feast of St Michael, they shall elect with unanimous assent and free will, so that he may preside over the bailiffs and other (officers) of the said town in all matters pertaining to the government and advantage of both boroughs.)

NORTHAMPTON, 1299. Concessimus etiam, pro nobis et heredibus nostris, burgensibus predictis quod ipsi, heredes ac successores sui predicti singulis annis imperpetuum ad festum Sancti Michaelis eligere possint unum maiorem et duos ballivos de se ipsis et ipsum quem sic elegerint in maiorem presentent ad scaccarium nostrum infra octabis eiusdem festi, qui tunc ibidem prestet sacramentum de hiis que ad officium maioratus ville predictae pertinent fideliter exequendis, qui quidem maior et ballivi omnia placita libertatem ville predictae tangentia teneant et exercent prout per ballivos eiusdem ville temporibus retro-actis fieri consuevit

¹ See above, p. 361.

(We have also granted for us and our heirs to the aforesaid burgesses that they, their heirs and successors aforesaid may elect every year for ever at Michaelmas one mayor and two bailiffs of their own number, and him, whom they so elect as mayor, they shall present at our exchequer within a week of that feast, and he shall then and there take his oath to execute faithfully those things which pertain to the mayoralty of the aforesaid town, and the mayor and bailiffs shall hold and try all pleas touching the liberty of the same town, as was wont to be done by the bailiffs of the same town in times past.)

BRISTOL, 1300. Et quod ipsi et successores sui predicti quotienscunque et quandocunque majorem suum elegerint in villa predicta (tempore guerraie dumtaxat excepto) ipsum constabulario castri nostri ejusdem villae, qui pro tempore fuerit, presentent, qui ipsum prout moris est admittat, et prout hujusmodi majores ejusdem villae ad scaccarium nostrum prius presentari consueverunt et admitti; et sumptibus eorundem burgensium inde certificet thesaurario nostro et baronibus nostris de scaccario supradicto.

(And that they and their successors aforesaid as often as and whenever they elect their mayor in the aforesaid town (time of war only excepted) shall present him to the constable for the time being of our castle in the aforesaid town, who shall admit him as is the custom, and as formerly the mayors of the same town have been wont to be presented to our exchequer and admitted, and at the costs of the same burgesses shall certify the same to our treasurer and the barons of our exchequer.)

BERWICK-ON-TWEED, 1302. Quod ipsi de seipsis singulis annis eligant unum majorem discretum et idoneum, qui nobis et heredibus nostris fidelis et ad regimen eiusdem burgi utilis existat. Ita quod cum idem major electus fuerit, nobis vel cancellario nostro seu thesaurario et baronibus de scaccario nostris Scocie, si nos vel heredes nostri ibidem presentes non fuerimus, presentetur et nobis juret fidelitatem, et quod liceat eisdem burgensibus ipsum majorem in fine anni amovere et illum vel alium eligere ac presentare in forma predicta.

(That of their own number they may elect a discreet and fit mayor every year, who shall be faithful to us and our heirs and shall be useful for the rule of the said town, Provided that when the said mayor has been elected, he shall be presented to us or our chancellor or to the treasurer and barons of our exchequer of Scotland, if we or our heirs are not present there, and shall swear fealty to us, and that it shall be lawful for the said burgesses to remove the said mayor at the end of the year, and to elect and present him or another in manner aforesaid.)

(e*) Non-elective Mayor

CONWAY, 1284. Et quod constabularius castri nostri de Aberconewy qui pro tempore fuerit sit maior burgi illius, juratus tam nobis quam eisdem burgensibus, qui, prius prestito sacramento de juribus nostris conservandis, eisdem burgensibus juret super Sancta Dei evangelia quod

ipse libertates eisdem burgensibus a nobis concessas conservabit et faciet fideliter ea quae ad officium maiorie pertinent in eodem burgo.

(And that the constable of our castle of Conway for the time being shall be mayor of that borough, being sworn both to us and the same burgesses, who, having first taken an oath for the observance of our rights, shall swear to the same burgesses on the holy gospels of God that he will preserve the liberties granted by us to the same burgesses, and will faithfully do those things which pertain to the mayoralty in the same borough.)

CARNARVON, 1284.

CRICCIETH, 1284.

Line 4. *Omit Sancta.*

HARLECH, 1284.

BERE, 1284.

FLINT, 1284.

RHUDDLAN, 1284.

BEAUMARIS, 1296.

(f) Steward

DROGHEDA (Meath), 1247. Concessimus etiam eis quod faciant seneschallum (et prepositos suos) de se per annum, quoscunque voluerint, qui sint idonei.

(We have also granted to them that they may make a steward (and their provosts) of their own number every year, whomsoever they will, who shall be fit men.)

(g) Warden (nominated)

HULL, 1299. Ita tamen quod burgus ille per aliquem hominem fidelem per nos et heredes nostros ad hoc successive eligendum custodiatur, qui prius prestet sacramentum corporale burgensibus predictis super sancta Dei evangelia quod ipse omnes libertates eisdem burgensibus et burgo a nobis concessas conservabit illaesas et fideliter et diligenter faciet omnia ea que ad officium custodis pertinent in burgo predicto.

(Provided that the same borough be kept by some faithful man to be elected successively by us and our heirs for this purpose, who shall first take his corporeal oath before the aforesaid burgesses on the holy gospels of God that he will preserve undiminished all the liberties granted by us to the same burgesses and borough, and will faithfully and diligently do all things pertaining to the office of warden in the aforesaid borough.)

"RAVENSEROD," 1299.

"SKYNBURGH," 1301. Ita quod burgus ille per aliquem fidelem hominem per predictos abbatem et conventum et eorum successores ad hoc successive eligendum custodiatur, qui prius prestet sacramentum corporale coram prefatis abbati et conventu et eorum successoribus, vel aliquo alio pro ipsis ad hoc deputato, quod omnia que ad officium custodis pertinent in eodem burgo fideliter et diligenter faciet et exequetur et omnes libertates et liberas consuetudines ad predictum burgum perti-

nentes et eisdem burgensibus et burgo a nobis vel heredibus nostris in futurum concedendas conservabit illesas.

(So that the same borough shall be kept by some faithful man successively elected by the aforesaid abbot and convent and their successors for this purpose, who shall first take his corporeal oath before the said abbot and convent and their successors, or some other person deputed for this purpose, that he will faithfully and diligently do and perform all things pertaining to the office of warden in the same borough, and will preserve unbroken the liberties and free customs pertaining to the aforesaid borough and those which shall hereafter be granted to the said burgesses and borough by us or our heirs.)

KIRKBY JOHANNIS, 1305.

(h) Assistants and Advisers of Mayors, Reeves and Bailiffs (Aldermen, Jurats)

OXFORD UNIVERSITY, 1248. Et quod duo aldermanni sint electi et deputati de illis qui pro tempore fuerint, secundum quod ordinatum erat a domino Willelmo de Eboraco, ad exhibendam iustitiam cum prepositi abfuerint, sub eadem poena qua prepositi tenentur, si negligentes vel maliciosi inueniantur.

(And that two aldermen shall be elected and deputed of those who for the time being are aldermen, according to the ordinance of lord William of York, to do justice in the absence of the reeves, under the same penalty to which the reeves are subject, if they are found to be negligent or malicious.)

OXFORD UNIVERSITY, 1255. (Letters Patent.) Sciatis quod ad pacem et tranquillitatem necnon et utilitatem universitatis scolarium Oxon providimus et concessimus quod quattuor aldermanni fiant in Oxonia et octo de discretioribus et legalioribus burgensibus eiusdem villae associantur ipsis aldermannis, qui omnes iurent nobis fidelitatem et sint assistentes et consulentes maiori et ballivis nostris Oxon. ad pacem nostram conseruandam, ad assisas dicte ville custodiendas, et ad inuestigandos malefactores et perturbatores pacis nostre et vagabundos de nocte et receptatores latronum et malefactorum, et corporale prestant sacramentum quod omnia predicta fideliter observabunt.

(Know ye that for the peace and tranquillity and also for the advantage of the university of the scholars of Oxford, we have provided and granted that there shall be four aldermen in Oxford, and that eight of the more discreet and lawful burgesses shall be associated with the said aldermen, all of whom shall swear fealty to us, and shall be assistants and advisers to our mayor and bailiffs of Oxford in the keeping of our peace, and the observance of the assizes for the said town, and in the detection of malefactors and disturbers of the peace, and of night-walkers and of the receivers of robbers and malefactors, and shall take their corporeal oath that they will observe all the premises faithfully.)

CAMBRIDGE UNIVERSITY, 1268.

Line 3. *For quattuor read duo.*

4. *For octo read quattuor.*

OXFORD UNIVERSITY, 1262. (Letters Patent.) After inspection of the Letters Patent of 1255, they are varied as follows: *Illud igitur quod superius expressum est, quod scilicet quattuor aldermanni et octo ex discrecioribus et legalioribus burgensibus ville predictæ, ipsis aldermannis associati vel associandi, iurent nobis fidelitatem in presenciam nostra et sint assistentes et consulentes maiori et balliuis predictis, ad ea que superius sunt expressa, sic volumus obseruari, ut si presentes non extiterimus, prestetur iuramentum predictum coram alio quem loco nostri ad hoc duximus assignandum.*

(But that provision which is expressed above, to wit, that four aldermen and eight of the more discreet and lawful burgesses of the town aforesaid, associated or to be associated with the said aldermen, shall swear fealty to us in our presence and shall be assistants and advisers to the mayor and bailiffs aforesaid, for that which is expressed above, we will that it be so observed, that, if we are not present, the oath aforesaid shall be taken before any person whom we have thought fit to appoint in our place.)

GREAT YARMOUTH, 1272. *Et pur aforcer nos bailifs et ces avaunt dites choses susteiner et parfumer, si avum nus purvou vint et quatre prodes hommes de la vile et a ceo eluz et juriz en teu furme ke si nul de ces jures sursece la summunse de les ballifs u de autre ke seit assigne par le avaunt diz jurez a la summunse fere, ke celi pur checune default donra dimi mark a comon pru de la vile et ce deit estre lendemain saunz delay et saunz nule manere de pardun. Et si les bailifs de la vile se fenyt(?) ou seint negligent a ces avaunt dites choses parfumer, il dorunt al comon pru de la vile quatre livers de Esterlings. Et si les avaundiz jurez la pes le rey a lur poer reddement ne mentegent et ices articles avaundiz leaument ne parfurnissent et de ce seint atteint, il durrunt au roi quarante mars. Et si il i ad nul mesfesur u sustenur de ceus ke les maus funt ke par les avaundis jurez justicer ne se vollie, et de ce seit atteint, il dora au rey quarant mars, si il ad le dunt, e si il ne ad, il deit gisir en la prison un an et un jur.*

(And to support our bailiffs, and to sustain and perform the matters aforesaid, we have provided twenty-four wise men of the town to this office elected and sworn in such manner that if any of these jurats disobeys the summons of the bailiffs or of the other person assigned by the jurats aforesaid to make the summons, that man, for each default, shall pay half a mark to the common profit of the town, to be paid on the morrow without delay and without any manner of pardon. And if the bailiffs of the town are negligent in performing these matters aforesaid, they shall pay four pounds sterling to the common profit of the town. And if the jurats aforesaid do not maintain the king's peace to the best of their power, and do not loyally perform the articles aforesaid and of this shall be attain, they shall pay forty marks to the king. And if there is any evildoer or supporter of those who do evil who will not suffer justice at the hands of the jurats aforesaid, he shall pay forty marks to the king, if he has the wherewithal, and if not, he shall lie in prison for a year and a day.)

(i) Overseers of Suspicious Persons, Tithingmen, Aletasters

OXFORD UNIVERSITY, 1255. In qualibet autem parochia ville Oxon. sint duo homines electi de legalioribus parochianis et jurati quod in qualibet quindena inquirent diligenter ne quis suspectus hospitetur in parochia, et si aliquis receptaverit aliquem per tres noctes in domo sua, respondeat pro eo.

(In each parish, moreover, in the town of Oxford two men shall be elected from among the more lawful parishioners and shall be sworn to enquire diligently every fortnight whether any suspected person be harboured in the parish, and if any entertain a man for three nights in his house, he shall be answerable for him.)

CAMBRIDGE UNIVERSITY, 1268.

BAKEWELL, 1286. Quod dezennarii et tastatores ceruisie per communitatem ville eligantur. Et quod ipsi dezennarii presentent ad magnam curiam defectus spectantes ad coronam et tastatores defectus ceruisie ad quamlibet curiam.

(That the tithingmen and aletasters be elected by the community of the town. And that the said tithingmen shall present at the great court defaults touching the crown and the aletasters defaults of ale at any court.)

(j) Beadle

POOLE, c. 1248. Ego vero et heredes mei bedellum de dicto burgo pro voluntate nostra in dicto burgo statuemus, qui, tactis sacrosanctis, coram ballivis et burgensibus nostris jurabit quod omnia attachiamenta me vel heredes meos contingencia, unde commodum meum aliquo modo poterit pervenire, fideliter et sine aliqua subtractione preposito nostro dicti burgi vel ballivis nostris, si fuerint presentes, presentabit.

(Moreover, I and my heirs shall appoint a beadle of the said borough at our pleasure in the said borough, who shall swear on the holy things before our bailiffs and burgesses that he will present to the reeve of the said borough or to our bailiffs, if present, all attachments pertaining to me and my heirs, whence any profit may in any manner arise to me, faithfully and without any subtraction.)

(2) DUTIES OF OFFICIALS¹

TENBY, 1265-94. Qui (*i.e.* prepositi) nullis aliis laboribus erunt subditi nisi ad hundredum tenendum et ad misericordiam xii denariorum, si quis in eam ceciderit, taxandum sine alterius ballivi taxatione, et ad redditum domini de burgagiis et tollonei (*sic*) in villa et in portu colligendum².

¹ See also Berwick-on-Tweed, 1302 (II A 19).

² Cf. VI 4 and VII 1 (c) (Yeovil, 1305-6).

(Who shall be subject to no other labours but those of holding the hundred (court) and of assessing the fines of 12*d.* if any incur an amercement, without the assessment of our bailiff, and of collecting the lord's rents from his burgages and from the toll in the town and port.)

LYNN, 1268¹. Qui quidem maior namium illorum qui thelonium vel consuetudinem a burgensibus predictis ceperint, excepta civitate Londoniarum ut superius, inde apud Lenn capiat, &c.

(And the said mayor shall take distress at Lynn from those who take toll or custom from the aforesaid burgesses, saving the city of London, as aforesaid, etc.)

MANCHESTER, 1301. Nullus potest aliquid recipere infra villam nisi per visum prepositi.

(No one can receive anything within the borough unless under the supervision of the reeve.)

SWANSEA, 1306. Concedimus eciam eisdem potestatem eligendi duos burgenses annuatim in festo beati Michaelis ad officium prepositure excercendum quos senescalco presentent, qui alterum eligat et electum prepositum constituat qui cum balliis nostris amerciamenta cum acciderint taxabit.

(We grant also to them power of electing two burgesses yearly at Michaelmas to exercise the office of reeve, whom they shall present to the steward, who shall choose one of them and constitute him elected reeve who with our bailiffs shall assess amercements when they arise.)

(3) POWERS OF REEVE

DUNHEVED, 1225-56. Quod nullus vicecomes vel alius ballivus noster trahat eos in placitum nisi iuste et racionabiliter et sine incausacione.

(That no sheriff or other bailiff of ours shall implead them unless justly and reasonably and without trumping up charges.)

(4) OFFENCES AGAINST OFFICIALS

GREAT YARMOUTH, 1272. Et si il i ad nul de la vile ke par malice torseusement en foren lu se pleigne sur les vinqatre u sur nul de la vile parunt ke il eit perte u damage et de ce seit atteint, seit puni par meme la peine² al os le roy.

(And if there is any man of the town who maliciously and wrongfully in a foreign place complains of the twenty-four or of any man of the town whereby he suffers loss or damage, and is attaint of this, he shall be punished by the same penalty to the use of the king.)

¹ This clause follows that granting a mayor (VII 1 (c)). See also IV E 8.

² As in VII 1 (h)—40 marks or imprisonment for a year and a day.

(5) LIABILITY OF OFFICIALS

CHESTERFIELD, 1226-7. (Fine.) Et si aliquis serviens per predictum Willelmum Briuer' in predicto burgo positus contra jura et libertates burgi agere et venire voluerit, emendabitur.

(And if any serjeant placed by the aforesaid William Brewer in the borough aforesaid shall wish to act against the rights and liberties of the borough, he shall be amerced.)

CHESTERFIELD, 1294. Et si aliquis ballivus positus fuerit in predicta villa qui contra eorum libertates et consuetudines fecerit superscriptas, emendabit.

(And if any bailiff who shall be placed in the aforesaid town, shall act contrary to their liberties and abovemented customs, he shall be amerced.)

DUNHEVED, 1225-56. Ita tamen quod si prepositi per eos electi in aliqua emenda deliquerint vel presumpserint hoc ipsum secundum delictum et presumptionem illam emendabunt.

(Provided that if the reeves elected by them misbehave or presume in any fault, they shall make amends for it according to the fault and presumption.)

OXFORD UNIVERSITY, 1248. (Letters Close.) Et quod, si ipsi burgenses interficiant aliquem de scholaribus Oxon., vel in aliquem ipsorum insultum faciant, vel alicui ipsorum gravem iniuriam inferant, communitas eiusdem ville per se puniatur et amercietur, et ballivi per se et non cum communitate eadem punientur et amercientur, si negligentes fuerint vel dolum fecerint in exequendo officium contra illos qui huiusmodi iniurias predictis scholaribus inferunt.

(And that, if the said burgesses kill any of the scholars of Oxford, make an assault on any of them, or do any grave injury against any of them, the community of the same town shall be punished and fined by itself, and the bailiffs shall be punished and fined by themselves and not with the same community, if they shall be negligent or deceitful in the execution of their duty against those who do injuries of this kind to the aforesaid scholars.)

LONDON, 1299. Et quod vicecomites eiusdem civitatis quotienscunque contigerit ipsos pro aliquo delicto in curia nostra amerciari, juxta modum et quantitatem delicti amercientur, sicut ceteri vicecomites de regno nostro pro delictis consimilibus amerciantur.

(And that the sheriffs of the said city, as often as they shall chance to be amerced for any fault in our court, shall be amerced according to the nature and gravity of the fault, as the other sheriffs of our kingdom are amerced for similar offences.)

SWANSEA, 1306. Item volumus, &c. quod omnes et singuli ministri nostri, si in aliquo infra libertatem ville deliquerint, respondeant in hundredo nostro omnibus et singulis de se conquerentibus de iniuriis et grauaminibus eisdem per ipsos ministros illatis et hoc ad veritatem

facti sine solempnitate narracionis, et adiudicentur emende, restitutiones et correctiones secundum modum et quantitatem delicti per hundredi nostri consideracionem: et quod in premissis plenaria executio fiat, ita tamen quod querele nobis primo vel heredibus nostris, si in partibus illis fuerimus, ostenda[n]tur, si vero in remotis fuerimus, senescallo nostro fiat demonstracio et nisi infra mensem in utraque causa leso fuerit satisfactum tunc demum contra reum in hundredo nostro in forma premissa procedatur.

(Further, we will, etc., that all and singular our officials, if they be guilty of any offence within the liberty of the town, shall answer in our hundred (court) to all and singular complaining of them touching injuries and oppressions inflicted on them by the said officials, and this to the truth of the fact without solemnity of formal pleading, and the amends, restitutions and corrections shall be adjudged according to the mode and quantity of the offence by the consideration of our hundred. And that in the aforesaid full execution be done, provided that the complaints be first shown to us or to our heirs, if we be in those parts; if, however, we be at a distance, the matter shall be brought to the notice of our steward, and if satisfaction be not done to the injured person in either case within two months, then let the offender be proceeded against in our hundred in the form aforesaid.)

(6) OATHS OF OFFICIALS

OXFORD UNIVERSITY, 1248. (Letters Close.) Et quod quotienscunque et quandocunque maior et ballivi Oxon. sacramentum sue fidelitatis prestabunt in loco suo communi, communitas eiusdem ville denunciaret cancellario, ut per se vel per aliquas personas electas prestationi iuramenti predicti, si voluerit, intersint; quod quidem iuramentum tale erit quoad scolares predictos, videlicet, quod ipsi maior et ballivi conseruabunt libertates et consuetudines universitatis predictae, alioquin non valeat iuramentum ipsorum, set iterum prestetur secundum formam prescriptam. Si vero cancellarius, nec per se nec per procuratorem interesse voluerit, ad iuramentum nihilominus procedatur.

(And that as often as and whenever the mayor and bailiffs of Oxford take their oath of fealty in their common place, the community of the same town shall inform the chancellor, so that by himself or by some elected persons, he may be present at the taking of the said oath if he wish: which oath, as regards the scholars aforesaid shall be as follows, to wit, that the said mayor and bailiffs will preserve the liberties and customs of the aforesaid university: otherwise their oath shall not be valid, but it shall be taken again according to the prescribed form. But if the chancellor does not wish to be present either by himself or by his proctor, nevertheless they may proceed to the oath.)

VIII. PUBLIC SERVICES

(1) Morals

OXFORD UNIVERSITY, 1234. (June 23.) Mandatum est majori et ballivis Oxonie quod per totam villam Oxonie clamari faciant quod omnes publice meretrices et concubine clericorum infra octo dies post hanc clamorem factum exeant villam Oxonie ita quod nulla in dicta villa remaneat post terminum illum: et si aliqua forte remaneat vel de novo in villam veniat post terminum illum ad ibi manendum, per consilium cancellarii Oxonie vel Magistri Roberti Grosse Teste vel fratris Roberti Bacun capiantur et in prisiona regis mittantur et ibidem teneantur donec rex aliud inde preceperit. Firmiter etiam prohiberi faciant super gravem forisfacturam regis ne quis de predicta villa alicui huiusmodi meretrici vel concubine clericorum, si forte aliqua vice veniat in villam, vel nomine suo vel nomine clericorum domos locet.

(Command is given to the mayor and bailiffs of Oxford to proclaim throughout the whole town of Oxford that all public prostitutes and clerks' concubines depart from the town of Oxford within a week of this proclamation being made, so that none remain in the town after that time. And if any perchance remain or return into the town after that time to remain there, on the advice of the chancellor of Oxford or of Master Robert Grosstete or of brother Robert Bacon, they shall be taken and sent to the king's prison and detained there until the king otherwise order in this behalf. They shall also firmly forbid, under the king's heavy forfeiture, that any in the aforesaid town shall let houses to any prostitute of this kind or any clerk's concubine, if any by chance return to the town, either in her own name or the name of the clerk.)

OXFORD, 1234. (July 10.) Rex majori et ballivis Oxonie salutem. Sciatis quod pietatis intuitu concessimus quod omnes publice meretrices et concubine clericorum quas cepistis et in prisiona nostra detinetis, eo quod contra provisionem nostram invente fuerint in villa vestra Oxonie, deliberentur sub tali forma quod publice meretrices statim post deliberacionem suam villam nostram exeant. Concubine vero clericorum tenementa habentes in eadem villa si iuramentum vobis prestiterint et securitatem sufficientem vobis fecerint quod decetero honeste se gerent, non habiture accessum ad clericos pro quibus capte sunt et detente, post deliberacionem suam libere et sine impedimento stent in eadem villa et ibidem morentur. Alie vero domos aut possessiones in eadem villa nostra non habentes villam exeant, ibidem non morature. Et ideo vobis precipimus quod tam publicas meretrices quam concubinas clericorum in forma predicta deliberetis.

(The king to the mayor and bailiffs of Oxford, greeting. Know ye that out of pity we have granted that all the public prostitutes and clerks' concubines

whom you have taken and detain in our prison, because, contrary to our provision, they have been found in your town of Oxford, shall be set free on this condition that the public prostitutes shall depart from your town immediately after their liberation. On the other hand, the clerks' concubines, who have tenements in the same town may stay freely and without hindrance in the same town and remain there if they swear to you and give sufficient security that from henceforth they will behave themselves honestly, and will not have access to the clerks on whose account they were so taken and detained. But the others who have no houses or possessions in the same town shall depart from the town, and shall not remain there. And therefore we command you that you deliver both the public prostitutes and the clerks' concubines in manner aforesaid.)

(2) Public Health

CAMBRIDGE UNIVERSITY, 1268. *Preterea volumus quod villa Cantebrigg' a fimis et sordibus mundetur et munda teneatur, et quod aqueductus aperiantur, sicut antiquitus fieri solebant, et aperti custodiantur, ut per eos sordes effluere possint, nisi alia necessitas aut utilitas obstiterit, et quod alia obstacula transitum impediencia amoveantur. Et precipue ut magnum fossatum ville mundetur: ad que observanda duo burgenses ex legalioribus ex quolibet vico jurati coram maiore et ballivis, cancellario et magistris ad hoc requisitis, si venire voluerint.*

(Moreover, we will that the town of Cambridge be cleansed and kept clean from filth and dirt, and that the watercourses be opened, as of old they were wont to be, and be kept open so that filth may flow away through them, unless some other necessity or advantage prevent, and that other obstacles hindering the flow be removed. And especially that the great ditch of the town be cleansed, and that for the observance of these matters, two of the most lawful burgesses from each street be sworn before the mayor and bailiffs, and the chancellor and masters shall be notified, if they wish to be present.)

OXFORD UNIVERSITY, 1305 (*d*). *Rex maiori et ballivis suis Oxon. salutem. Quia ex parte dilectorum nobis in Christo magistrorum et scolarium universitatis Oxon. nobis est conquerendo monstratum quod pavementum ville nostre predicte adeo enormiter est dirutum et confractum quod ex hoc universi et singuli transeuntes et accedentes per villam eandem damna non modica sustinent et gravamina; Et etiam quod per fimos et fimaria et plures alias feditates que in stratis et venellis predicte ville ponuntur et colliguntur aer ibidem in tantum corrumpitur et inficitur quod magistris et scholaribus predictis et aliis ibidem conversantibus horror abhominabilis incutitur, commoditas salubritatis aeris impeditur, status hominum graviter leditur, alieque intolerabiles incommoditates et quam plurima discrimina ex corruptione huiusmodi pervenire noscuntur, in magistrorum et scolarium predictorum et aliorum ibidem conversantium et transeuntium nocumentum et periculum manifestum: Volentes super hoc congruum remedium adhiberi vobis mandamus quod pavementum ville predicte per visum alicuius vel aliquorum*

quem vel quos cancellarius et procuratores universitatis predictæ ad hoc duxerint deputandos in stratis et venellis ibidem reparari et emendari faciatis, et comburgenses vestros ad hoc modis omnibus quibus melius expedire videritis inducatis et, si necesse fuerit, modo debito compellatis ut unusquisque coram¹ tenementis et tenuris suis in villa predicta pavire faciat, et stratas et venellas fimis et fimariis universis mundari, et eas sic mundatas imposterum mundas conservari, ac porcarias in stratis et vicis existentes per quas huiusmodi feditates accumulantur et plurimum colliguntur amoveri faciatis ita quod villa ipsa predicta adeo munda de huiusmodi feditatibus de cetero conservetur, quod clamor ad nos inde non perveniat iteratus per quod manum ad hoc debeamus apponere graviorem.

(The king to his mayor and bailiffs of Oxford greeting. Whereas on the part of our beloved masters and scholars of the university of Oxford it has been shown to us that the pavement of the aforesaid town is so enormously destroyed and broken that therefrom all and every passing through the same town suffer no slight losses and damages, And also that by the dung and dungheaps which are placed and collected in the streets and lanes of the same town, the air there is so corrupted and polluted that the masters and scholars aforesaid and others sojourning there suffer abominable horror, the boon of wholesome air is lost, the health of men is grievously harmed and other intolerable inconveniences and very many annoyances are known to arise to the injury and manifest danger of the aforesaid masters and scholars and of others sojourning and passing through: We, wishing to deal fittingly in this matter, command you that you cause the pavement of the aforesaid town in the streets and lanes there to be repaired and amended under the supervision of any person or persons whom the chancellor and proctors of the university aforesaid shall think fit to depute for this purpose, and that you shall induce your fellow burgesses by all means which seem most expedient to you, and, if necessary, that you compel them in due manner, so that each man shall pave in front of (?) his tenements and holdings, shall cleanse the streets and lanes from dung and dungheaps, and when they have been so cleansed shall keep them clean for the future, and that you cause the pigstyes in the streets and lanes to be removed, through which impurities of this kind are especially collected and accumulated, so that the aforesaid town may be kept so clean of such impurities, that no repeated complaint shall reach us in this behalf, by reason of which we ought to apply a heavier hand.)

OXFORD UNIVERSITY, 1305 (b). Edwardus &c. maiori et ballivis Oxon. salutem. Ex parte magistrorum et scolarium universitatis Oxon. nobis est ostensum quod braciatores cervisie in eadem villa aquam prope cloacas et in aliis locis immundis ubi infecta est et immunda hauriunt et capiunt ad braciandum, per quod cervisia inde proveniens et quae eisdem magistris et scolaribus et aliis ibidem commorantibus pro sustentatione sua venditur non est tam sana et utilis sicut esse deberet in ipsorum magistrorum et scolarium ac etiam aliorum ibidem commorantium damnum non modicum et eorum sanitatis prejudicium manifestum. Nos,

¹ *Sic.* Twyne reads "eorum," but retains the ablatives.

huiusmodi immunditiam ulterius ibidem contra honestatem universitatis predictae tolerari nolentes, vobis precipimus quod omnes huiusmodi braciatores in villa predicta aquam ad cervisiam inde braciandam in locis mundis ubi aqua pura ac integra poterit inveniri et non alibi haurire et capere faciatis, ne pro defectu vestri in hac parte clamor ad nos inde perveniat iteratus, propter quod aliud remedium nos super hoc oporteat providere.

(Edward I to the mayor and bailiffs of Oxford, Greeting. It has been shown to us on the part of the masters and scholars of the university of Oxford that the brewers of beer in the same town draw water near the drains and in other dirty places where it is infected and dirty, and take such water for brewing, so that the beer thence forthcoming and which is sold to the said masters and scholars and others sojourning there, for their sustenance, is not so wholesome and useful as it ought to be, to the great loss of the same masters and scholars and also of others sojourning there, and to the manifest prejudice of their health. We, being unwilling that uncleanness of this kind shall be longer tolerated against the good repute of the aforesaid university, command you that you make all brewers in the town aforesaid draw and take water for brewing in clean places where pure and sound water can be found and not elsewhere, lest for your default a repeated complaint should reach us in this behalf, on which account it would behove us to provide another remedy.)

OXFORD UNIVERSITY, 1305 (c). Edwardus &c. maiori et ballivis Margaretæ, Reginae Angliæ, consortis suæ, de Oxon., salutem. Ex querela magistrorum et scholarium universitatis villæ predictæ accepimus quod diversi regratarii unctum et cepum in eadem villa vendentes ignem extra domos suos in vicis ejusdem villæ faciunt et unctum ac cepum ibidem fundunt et conficiunt, per quod aer in tanto est infectus quod quamplures tam magistri et scolares dicte universitatis quam alii ibidem commorantes frequenter aegrotantur et infirmantur, in ipsorum magistrorum et scholarium ac aliorum ibidem commorantium damnum non modicum et contra honestatem universitatis et villæ predictæ, Nos, huiusmodi immunditias ibidem aboleri volentes, vobis precipimus quod regratarios predictos in vicis predictis occasione predicta ignem facere seu unctum aut cepum quoquomodo fundere et conficere nullatenus permittatis.

(Edward I to the mayor and the bailiffs of Margaret, Queen of England, his consort, of Oxford, greeting. From the complaint of the masters and scholars of the university aforesaid we have learnt that divers regraters in the same town who sell fat and tallow make fires outside their houses in the streets of the same town and there melt and make fat and tallow, by which the air is so infected that very many both of the masters and scholars of the said university and others sojourning there are frequently sick and ill, to the great loss of the said masters and scholars and other sojourners and contrary to the credit of the university and town aforesaid, We, wishing that uncleanness of this kind shall be abolished, command you that you by no means permit the aforesaid regraters to make fires in the streets aforesaid for the reason aforesaid or in any manner to melt and make fat and tallow.)

(3) Roads

AGARDSLEY, 1263. Preterea concessi eisdem quod habeant unam largam viam continentem quatuor perticas in latitudine que ducit de Brouil usque tenementum Radulfi carectarii, de tenemento predicti Radulfi usque Swereburn, de Swereburn usque le Stonysich, de le Stonysich usque ad capellam versus Tuttebury. Concessi eciam eisdem tres alias vias profitabiles ad burgum de Adgaresleg.

(Moreover, I have granted them that they shall have one high way, four perches in width, leading from the Broyle to the tenement of Ralph the carter, thence to Swereburn, thence to the Stonysich, and thence to the chapel towards Tutbury. And I have also granted them three other ways profitable to the borough of Agardsley.)

BURTON-ON-TRENT, 1286. Et quia quedam burgagia sita sunt in Sywardesmor, quorum nulla extremitas contingit viam antedictam, ut tenentes liberum introitum et exitum habeant ad eadem, quandam specialem assignavimus viam, continentem quindecim pedes in latitudine, que a novo ponte versus Horninglowe se extendit ex utraque parte burgagiorum predictorum.

(And whereas there are certain burgages situate in Sywardsmoor, of which no extremity touches the aforesaid way, so that the tenants may have free entrance and exit to them, we have assigned a special way fifteen feet wide, which reaches from the new bridge towards Horninglow on each side of the aforesaid burgages.)

APPENDIX A

CHARTERS OMITTED IN VOL. I

Glasgow, <i>before</i> 1211	... William the Lion	... Marwick, Ch. of Glasg. 11, 7
Inverkeithing, 1165-1214 (a), (b) Do.		... Mun. Corp. Commis- sion Rep. (S.), 1836, Local Rep. 11, 8 (App.)
Kelso, 1165-1214	... Do.	... Ibid. 11, 167 (App.)
Launceston, 1141-67	... Reginald earl of Corn- wall	Oliver, Mon. Dioc. Exon. p. 23
"Radeclive," 1189	... Richard I	... Chart. Roll, 18 Edw. II, no. 13
Rochester, 1154-89	... Henry II	... Registrum Roffense, 44
St Andrews, 1153-7	... Malcolm IV	... Grierson, Delin. of St Andrews, p. 222
Thomastown, <i>c.</i> 1210?	... Thomas fitz Anthony	Pat. Roll 32-3 Hen. VIII, m. 9 d (P.R.O. Dublin)
Ulverston, <i>c.</i> 1200	... Gilbert fitz Roger	... West, Hist. of Furness Abbey, App. vii.

GLASGOW, *before* 1211. V A 12 (vol. I, p. 197). Sciatis me firmam pacem meam juste dedisse omnibus qui venient ad nundinas de Glasgu, quas concessi Deo et Sancto Kentegerno et burgo de Glasgu, ad veniendum illuc et ibi standum et inde juste redeundum, ita ut faciant quod juste et secundum assisam burgorum meorum et terre mee facere debebunt.

(Know ye that I have justly granted my firm peace to all who shall come to the fair at Glasgow, which I have granted to God and St Kentigern and to the burgh of Glasgow, while coming thither, and remaining there, and lawfully returning thence, provided that they do what they ought to do according to right and the assize of my burghs and my land.)

INVERKEITHING, 1165-1214 (a). Printed above, p. 241, with the confirmations of Alexander II and Alexander III.

INVERKEITHING, 1165-1214 (b). VI 5. Sciatis me concessisse... prepositis et ceteris burgensibus meis de Inuyrkethin ad aisiammentum burgi commune¹ terram illam ex australi parte burgi que appellatur Cruke, per rectas divisas illius terre. Volo itaque et precipio ut ipsi terram illam teneant et habeant ad commune aisiammentum burgi illius permanenter, libere et quiete, sicut terram ad ipsum burgum appendentem: Solvendo singulis annis ex parte mea dimidiam marcam argenti homini illi quicunque tenuerit terram dominii de Inuyrkethin

¹ Corrected from "communiter."

(Know ye that I have granted...to the provosts and other burgesses of Inverkeithing for the common advantage of the burgh that land on the southern side of the burgh which is called Crook, according to the right boundaries of that land. Therefore I will and command that they hold and have that land for the common advantage of the burgh for ever, freely and quietly, as land appertaining to the burgh: Paying yearly on my behalf half a mark of silver to the man who shall hold the land of the lordship of Inverkeithing.)

KELSO, 1165-1214. VB 5. Concedo etiam predictae ecclesie Sancte Marie de Kelchou et ejusdem loci monachis...ut homines sui qui in Kelchou sunt manentes omnibus diebus septimane, excepto die statuto fori mei de Rokesburg, licentiam habeant emendi in villa sua focale et materiem et annonam, et transeuntes licentiam habeant eis ista vendendi. Habeant et homines sui licentiam vendendi in fenestris suis panem et cervisiam et carnem; si autem piscem in propriis suis quadrigis vel equis attulerint et inde vendere voluerint, in fenestris suis liceat eis vendere. Quadrige autem aliunde venientes et perinde transeuntes neque ibi exhonerent neque ibi vendant, sed ad forum meum veniant. Die autem fori mei statuto de Rokesburg non liceat eis quidquid emere in villa sua sed ad forum meum veniant et ibi cum aliis burgensibus meis que voluerint emant per rectas consuetudines suas.

(I have granted also to the aforesaid church of St Mary of Kelso and the monks of that place...that their men who dwell in Kelso shall on every day of the week, except the appointed day for my market at Roxburgh, have license to buy in their town fuel and timber and corn, and that travellers shall have license to sell these things to them. And their men shall also have license to sell bread and beer and flesh in their windows; and if they bring fish in their own wagons or on their horses and want to sell it, they may sell it in their windows. But wagons coming from elsewhere and passing through the town shall neither unload nor sell there but shall come to my market. But on the appointed day of my market at Roxburgh, it shall not be lawful for them to buy anything in their town but they shall come to my market and there with my other burgesses buy what they want on payment of my rightful dues.

LAUNCESTON, 1141-67. 14. (Reginald, earl of Cornwall to canons of Launceston.) Preterea ad noticiam omnium volo pervenire quod B. prior de Lanstone in pleno comitatu coram me apud castello meo de Dunehevede, preposito et burgensibus ejusdem ville presentibus, sufficienter et legitime disrationavit quod tempore quod comes Moreton' mercatum diei dominice de villa Sancti Stephani de Lanstone ad novam villam castelli de Dunhevet transtulit¹, canonici de Lanstone de assensu et voluntate memorati comitis de Moreton' retinebant sibi et burgo suo

¹ This market was removed before 1086 (*D.B.* I, 120 b. 2); so that Launceston was a borough at the time of Domesday Book; but in 1292 it was part of the hundred of East Wyleshire (Oliver, *Mon. Dioc. Exon.* p. 26) (B). The lower limit of date is fixed by the death of Robert de Dunstanvill, the first witness (Eyton, *Itin.* p. 111). The prior's initial is given as R. in Peter's *Hist. of Launceston*. The use of "liberum burgum" is surprisingly early. No other case seems recorded before the reign of John.

de Lanstone et burgensibus in eo manentibus omnes libertates ad liberum burgum spectantes cum eadem integritate quas ab antiquo habuerunt preter mercatum diei dominice tantummodo unum; et ipsi canonici habent de preposito castelli xx solidos annuatim ad festum Sancti Martini; et quod easdem libertates integre et sine contradictione toto tempore Henrici regis Anglie patris mei habuerunt et tenuerunt. Quapropter ego omnes libertates ad liberum burgum spectantes memoratis canonicis et ville sue de Lanstone et hominibus in ea focum et locum habentibus cum memoratis xx solidis annui census concessi et hac carta mea confirmavi.

(Moreover, I wish to bring to the notice of you all that B. prior of Launceston, has sufficiently and lawfully proved in full county court before me in my castle of Dunheved, in the presence of the reeve and burgesses of the same town, that at the time when the count of Mortain removed the Sunday market from the town of St Stephen of Launceston to the new town of his castle of Dunheved, the canons of Launceston with the assent and freewill of the said count of Mortain retained for themselves and their borough of Launceston and the burgesses dwelling therein all the liberties pertaining to a free borough in all the fulness in which they held them from of old, except the Sunday market only; and the canons receive from the reeve of the castle 20s. yearly at Martinmas; and that they have had and held the same liberties fully and without gainsaying during the whole time of Henry king of England my father. Wherefore I have granted and by this my charter have confirmed all the liberties pertaining to a free borough to the said canons and to their town of Launceston and to the men having hearth and habitation therein, together with the said 20s. of annual rent.)

“RADECLIVE¹,” 1189. 11. (Richard I to Reginald bishop of Bath.)
...Concedimus etiam eidem episcopo quod faciat burgum in terra sua de Radeclive, habendum et tenendum sibi et successoribus suis imperpetuum, cum mercato et cum omnibus aliis liberis consuetudinibus et libertatibus quas habet aliquod burgum in terra nostra de tota Anglia.

(We have also granted to the said bishop that he may make a borough on his own land of Radeclive, to be had and holden to himself and his successors for ever, with a market and with all other free customs and liberties which any borough has that is on our land in all England.)

ROCHESTER, 1154-89. V B 11. Volo etiam et precipio ut ipsi monachi habeant...primam mercandisam post me et ministros meos in victualibus suis emendis apud civitatem Roffensem.

(I will also and command that the said monks shall have the first purchase of merchandise after me and my ministers in purchasing their victuals in the city of Rochester.)

¹ “Ratclyffe” is marked on the Axe, in the parish of Compton Bishop, in Speed’s map of Somersetshire (early seventeenth century). This may be the Ratley which is said to be now a hamlet in Compton. The Ripley of the index to the *Calendar of Charter Rolls* must surely be a mistake.

Edward II confirmed the charter in 1324, but nothing seems to be known of the borough.

ST ANDREWS, 1153-7. I 8 (vol. I, p. 23). Sciatis me concessisse... burgensibus episcopi S. Andreae omnes libertates et consuetudines quas mei burgenses communiter habent per totam terram meam et quibuscunque portibus applicuerint.

(Know ye that I have granted...to the burgesses of the bishop of St Andrews all the liberties and customs which my burgesses have in common throughout all my land and in whatever ports they put to land.)

THOMASTOWN, c. 1210? This charter, a few clauses of which were printed by Miss Bateson in her *Borough Customs*, is, like those of Carlow, Moone and Rosbercon, a close copy of the Kilkenny charter of the first William Marshal. Miss Bateson's date is possibly some years too early as it certainly is in the case of the Moone charter¹, for Thomas fitz Anthony, the grantor of the one and a witness of the other, lived almost to the end of the third decade of the century. I have therefore queried it. If my suspicion is well founded, this borough ought perhaps to have been entered with the others of the Kilkenny group in various sections of the present volume.

ULVERSTON, c. 1200². Sciant tam presentes quam futuri quod ego Gilbertus, filius Rogeri filii Reinfred, dedi, concessi, et per hanc meam presentem cartam confirmavi liberis burgensibus meis de Ulverston in Furnesio, et heredibus suis, has libertates habendas libere de me et heredibus meis (I 7). Scilicet quod quisque burgensis possit capere tot tofta quot voluerit (II A 1), et vendere ubicunque voluerit et possit (II A 9); Salvo inde redditu meo, scilicet de tofto iii denariis (II A 2); et quod capiant ad eos herbergiandum de boscis meis per visum forestarium meorum excepta haia mea de Plumpton cum suis divisis (II A 6).

Et habebunt turbariam et comunem pasturam cum hominibus meis de Ulverston usque ad divisas de Penington, in parte australi; salva haia mea de Plumton, cum suis divisis (II A 7). Concessi autem eis quod forisfacturam lingue in burgo sit eis quatuor denariorum (IV D 3), et omne aliud forisfacturam sit eis secundum consuetudinem burgorum regis, comitum et baronum que predictae ville vicina sunt (IV B 2). Concessi etiam quod vendant sextarium cervicie carius uno denario quam apud Appelby, et mihi uno denario minus quam vicinis suis (IV D 4). Sed furnum et tinctoriam et fulloniam in manu mea retinui (II B 17, V B 15).

Et concessi quod aliud auxilium ab eis non exigam quam tale quale alia burga (*sic*) regis, comitum et baronum faciunt per Angliam (II B 11).

¹ See Carlow in Critical Notes above.

² As most of the clauses are short, it has been thought well not to break them up, but to append to each its position in Mr Ballard's code. One or two clauses are not otherwise met with before 1216. Several are common to this and the Warton charter.

Et de guadagnio suo proprio multurabunt ad molendinum meum per eandem mensuram sicut et alii homines mei; et eis inveniam molendina ad bladum suum forinsecum ad xxi vas (II B 17). Concessi vero eisdem quod in curia mea poterunt placitare de debitis suis, sine forisfacto (IV A 19); et cum crediderint aliquid de suo mihi, si quadraginta dies transierint et debitum eis solutum non fuerit, mihi amplius sua non credent antequam eis fiat solutum (II B 8).

(Know all as well present as future that I Gilbert, son of Roger son of Reinfrid, have given, etc., to my free burgesses of Ulverston in Furness, and their heirs, these liberties to have freely from me and my heirs (I 7), to wit, that each burgess may take as many tofts as he wishes (II A 1) and sell them wherever he wishes and is able (II A 9), saving my rent therefrom, to wit, 3*d.* from each toft (II A 2); and that to build their houses they may take timber from my woods under the supervision of my foresters, except from my hay of Plumpton with its bounds (II A 6).

And they shall have rights of turf cutting and common of pasture with my men of Ulverston as far as the bounds of Pennington, on the south side, saving my hay of Plumpton with its bounds (II A 7). I have also granted to them that the forfeiture for abusive language in the borough shall be four pence for them (IV D 3), and every other forfeiture shall be for them according to the custom of the boroughs of king, earls and barons which are neighbours of the aforesaid town (IV B 2). I have granted also that they may sell the sextary of ale a penny dearer than at Appleby and to me a penny cheaper than to their neighbours (IV D 4). But I have retained in my hands the oven and dye-house and fulling mill (II B 17, V B 15). And I have granted that I will not require from them any aids but such as the boroughs of king, earls and barons render throughout England (II B 11). And they shall pay multure at my mill on corn grown by themselves at the same rate as my other men; and I will find them mills for (grinding) their corn brought from without on payment of the twenty-first measure (II B 17). I have also granted to them that they shall be able to sue in my court for their debts without forfeiture (IV A 19) and when they have given me credit and the debt is not paid in forty days, they shall give me no more credit until it is paid (II B 8).

APPENDIX B

CHARTER TO THE FREE TENANTS OF WARRINGTON (1292)

(See p. 182)

(The formula of grant has been shortened in its many repetitions)

CUM contentio esset mota inter dominum Willelmum le Botiler, dominum de Werington', ex parte una et omnes suos libere tenentes de Werington' ex altera de placitis, transgressionibus, querelis et omnimodis aliis iniuriis inter eosdem prius habitis sic in itinere justiciariorum, domini Hugonis de Cressingham aliorumque sociorum ejus apud Lancaster' die sancte Marie Magdalene anno regni regis Edwardi vicesimo conquievit, videlicet: Quod predictus dominus Willelmus concessit pro se et heredibus suis omnibus predictis libere tenentibus suis et heredibus suis inperpetuum quod sint quieti de theoloneo in omnibus feriis et mercatis de Werington' ubique; et etiam quod habeant mensuras suas liberas secundum mensuras domini Regis. Concessit etiam eisdem pro se et heredibus suis: Quod nullas evasiones nec emendas exhibeant de animalibus predictorum nec heredum suorum infra metas de Werington' nisi secundum quantitatem delicti et hoc secundum considerationem et discretionem proborum et legalium virorum de Werington' nullo tempore anni nisi bladum pro blado et erbam pro erba. Concessit etiam predictus dominus Willelmus pro se et heredibus supradictis libere tenentibus suis quod quieti sint de omnimodo pannagio de omnibus porcis suis nutritis et emptis infra metas de Werington' nisi infra boscum suum alibi intraverint et tunc dant pannagium secundum quod alii extranei patrie faciunt. Concessit etiam antedictus dominus Willelmus pro se, etc., quod non ponantur ad aliquod sacramentum prestandum contra voluntatem eorum nisi sit per preceptum domini regis. Et si aliqui¹ predictorum libere tenentium sint admerciandi pro aliquo delicto in curia predicti domini Willelmi quod admercientur secundum rationabilem taxationem in plena curia ejusdem et hoc secundum quantitatem delicti per visum vicinorum suorum de Werington'. Concessit etiam idem dominus Willelmus pro se, etc., libere tenentibus et heredibus quod non capiant aliquam inquisitionem super aliquibus predictorum tenentium sine assensu et consensu dictarum partium. Et etiam quod non decetero distringantur custodire aliquem hominem captum seu atachiatum per ballivos dicti domini Willelmi et heredum suorum nisi secundum consuetudinem regni Anglie. Concessit etiam idem dominus

¹ MS. "aliquis."

Willelmus eisdem libere tenentibus et heredibus suis quod non decetero distringantur fugare nameas suas nec alias captas in villa de Werinton[†] contra voluntatem eorum. Concessit etiam idem dominus Willelmus pro se, etc., eisdem, etc., quod nullus heredum supradictorum libere tenentium faciat wardam et relevium pro tenementis suis nisi secundum tenorem feoffamenti sui. Et quod custodes assise panis et cervisie eligantur per predictos libere tenentes et non per alios.

Omnia ista suprascripta concessit supradictus dominus Willelmus pro se, etc., antedictis libere tenentibus et, etc., habenda et tenenda inperpetuum, ita quod nec dictus dominus Willemus nec heredes sui nec aliquis alius nomine suo seu jure in predictis articulis aliquid juris, clamei aut calumpnie decetero exigere, vendicare poterunt vel optinere. In cujus rei testimonium dictus dominus Willelmus sigillum suum pro se et heredibus huic presenti scripto apposuit. Hiis testibus, domino Henrico de Kycheley, domino Nicholao de Leycestr', domino Johanne de Evyas, Adam de Hocton', Alano le Norrays, Roberto le Norrays, Roberto de Bolde, Roberto de Wlston, Alano de Ryxton', Ricardo de Samelisbur', Roberto de Sonkey et Gilberto de Werington' clerico cum aliis. Datum apud Lancastr' die et anno prenotato.

(Contention having arisen between Sir William le Botiler, lord of Warrington, on the one part and all his free tenants of Warrington on the other touching pleas, trespasses, complaints, and all kinds of other injuries formerly received, a settlement was effected as follows in the circuit of the justices, Sir Hugh de Cressingham and his other fellows, at Lancaster on St Mary Magdalene's day [July 22] in the twentieth year of the reign of king Edward, viz.:—That the aforesaid Sir William granted for himself and his heirs to all his aforesaid free tenants and their heirs for ever that they shall be quit of toll in all the fairs and markets of Warrington everywhere; and also that they may have their free measures after the standard of the lord king's measures. He granted also to the same for himself and his heirs that they will not impose penalties for straying nor amends in the case of the animals of the aforesaid or their heirs within the bounds of Warrington, except in proportion to the magnitude of the offence, and this by the consideration and discretion of good and lawful men of Warrington, at any time of the year, save corn for corn (destroyed) and grass for grass¹.

The aforesaid Sir William also granted for himself and his heirs to his above-mentioned free tenants that they shall be quit of every kind of pannage for all their swine reared and bought within the bounds of Warrington unless they have entered his wood elsewhere, and then they give pannage as the other strangers of the country do. The aforesaid Sir William also granted for himself, etc. that they should not be put to take any oath against their will save by the order of the lord king. And if any of the aforesaid free tenants are to be amerced for any offence in the court of the aforesaid Sir William, that they shall be amerced according to reasonable affeering in full court of the same and this in proportion to the magnitude of the offence by the view of their neighbours of Warrington. The same Sir William also granted for

¹ The clause in the text (which has been again compared with the original) is awkwardly expressed.

himself, etc. to his free tenants and their heirs that they will not take any inquest on any of the aforesaid tenants without the assent and consent of the said parties. And also that they shall not be compelled to guard any man arrested or attached by the bailiffs of the said Sir William and his heirs, save according to the custom of the realm of England. Sir William also granted to the same free tenants and their heirs that they shall not in future be compelled to drive his distresses or others taken in the town of Warrington against their will. The same Sir William also granted, etc. (as above) that none of the heirs of the above-mentioned free tenants shall do ward and pay relief for their tenements except according to the tenor of his feoffment. And that keepers of the assize of bread and beer shall be chosen by the aforesaid free tenants and not by others.

All the abovementioned things the abovesaid Sir William granted for himself, etc. to the aforesaid free tenants and, etc., to have and to hold for ever, so that neither the said Sir William nor his heirs nor any other in their name or right shall be able in future to exact, claim or obtain any right, claim or pretension to any of the aforesaid articles. In testimony to which the said Sir William has attached his seal to the present writing on behalf of himself and his heirs. These being witnesses, Sir Henry de Keighley, Sir Nicholas de Leicester, Sir John de Ewyas (?), Adam de Hoghton, Alan le Norrays, Robert le Norrays, Robert de Bold, Robert de Woolston, Alan de Rixton, Richard de Samlesbury, Robert de Sankey and Gilbert de Warrington clerk with others. Given at Lancaster on the day and in the year before-mentioned.)

APPENDIX C

ADDENDA ET CORRIGENDA

Page xviii, line 10. The London charter of 1268 was, of course, partly a regrant, but of its fifteen clauses (excluding the general ratification of older privileges) eight were wholly and two partly new.

p. xix, l. 13. Edward I's *inspeximus* of the Chard charters in 1286 seems to be a solitary anticipation of the enrolment of this class of document upon the Patent Roll.

p. xxix, l. 12. The date of the Farnham charter (Feb. in 4th year of bishop Raleigh's translation from Norwich) would fall in 1248, if reckoned from his enthronement in 1244 and not from the papal confirmation in 1243.

p. xxxvii, l. 19. The older view that the first two Brecon charters are given in reverse chronological order in the *inspeximus* and one of them misdated would satisfy the ordinary meaning of *proavus*, but *abavus* would still be an incorrect description of "the good earl" (who was *atavus* of the Humphrey inspecting the charters), unless it were supposed that no account was taken of his son, the father of the third Bohun earl, who died in his lifetime.

p. l, l. 6. The case of Warrington (p. 182) may be thought to prove that a free court was more essential to a borough than burgage tenure. It is quite true that boroughs like Warrington and Manchester which ceased to possess a purely town court of some independence sank into the position of mere market-towns. But this was a comparatively late development. It remains true that originally burgage tenure carried with it a borough court. The formal creation of a court by charter was excessively rare (p. 146), because there was nearly always a pre-existent court which could be modified to meet the new conditions.

p. lvii, l. 20. Southampton had had a mayor as early as 1216 and the request of the burgesses in 1249 that neither they nor their heirs should ever have a mayor in the town has been attributed to the long predominance of Azo who was mayor more or less continuously from 1235 to 1249. There is a good deal of evidence, however, for the view stated in the text that the charter of 1249 represents a victory of the guild organisation over the old town organisation. I owe this explanation to the kindness of Dr J. W. Horrocks of University College, Southampton. It appears then that Southampton must be classed with Leicester as a town in which the (later) mayoralty developed from the aldermanry of the merchant guild.

p. lxvi, l. 10. See *H.E.L.* II, 586 and cf. the Swansea practice (p. 225).

p. lxxii, l. 36. For Scottish grants to "the borough," see p. 18.

p. lxxiv, ll. 27 ff. Even if the aldermen of London were already twenty-four in number, which is not certain, they could not be identical with the body of twenty-four elected in 1207, since one alderman, the prior of Holy Trinity, held his position *ex officio*.

p. i, l. 3. The doubt expressed here as to the mention of a license for the creation of the borough of Congleton is justified by the more correct version of the clause referred to, which was obtained later and incorporated in the text at p. 266.

In 1343 the abbot and convent of Cirencester were accused of a purpresture in that without warrant from the crown "unus burgus in grosso per se habe-

batur" (*C.Ch.R.* v, 23). But this may have been because Cirencester had been granted to the abbey out of ancient demesne.

p. 31, note 1. The Dublin charter seems to be dated at St Lô and so probably in 1172.

p. 46, l. 25. *For reddunt Seyer reads reddent* (reddant in 1252).

p. 91, l. 34. The Recognizance Roll has "reddituare." "Reddituari" is restored from Chester Plea Roll 226, m. 19.

p. 92, footnote. The evidence of tampering with Dublin and Waterford charters (p. lxxviii, note 2) puts a worse colour on the unexpected appearance of the two clauses in question in the Cork charter. The fact that neither occurs in any English charter until fourteen years later is very suspicious.

p. 99, l. 19. For a royal letter of 1290 to Sandwich on this subject, see *Foedera* (R), I, pt. II, 730.

p. 136. Mrs Green argues that even 'sine calumpnia' implied a year's citizenship and not mere residence (*Town Life*, II, 174 n.).

p. 149, l. 25. "Seu placitetur" is in the charter of 1188 as printed by Seyer.

p. 171, l. 15. This clause is accidentally omitted in *C.Ch.R.* I, 411.

p. 205, l. 16. This short clause was accidentally omitted from the large type above. The reason of its omission from the New Ross charter is not obvious.

p. 205, l. 26. See *H.E.L.* II, 606 and *Chartulary of Chester Abbey* (Chetham Soc. N.S. vol. 79), p. 103. In this and one or two other long extracts in Old French apostrophes after the shortened article and accents have been inserted for the ease of the reader.

p. 216, l. 12. Mr Ballard generally translated *misericordia* or *amerciamantum* by "fine" in its modern sense. The mediaeval "fine" (*finis*) was in principle a sum which offenders consented to pay to put an end to proceedings against them. Amercements were penalties, in theory at the mercy of the crown, but affeered as reasonable by the offender's peers.

p. 275, l. 19. "Mercatum" should have been translated "merchandise" here.

p. 286, l. 6. This was a regrant of a charter of John which is not on his Charter Roll and does not appear in Mr Ballard's first volume.

p. 287. Add the Northampton clause of 1257: Et quod nullus mercator tempore nundinarum eiusdem burgi cum suis mercandis [moretur in eodem burgo] nisi de licencia et voluntate balliuorum eiusdem burgi, prout fieri debuit et consuevit temporibus predecessorum nostrorum regum Anglie et nostro (*Records of Northampton*, I, 366).

p. 299, l. 8. Miss Bateson misread the contracted form of "comparacionem" as "co[e]mptionem" (*B.C.* II, 166).

p. 348, l. 35. This Hereford grant was accidentally omitted from the Tables in the introduction.

p. 361, l. 17. The Limerick clause reads "*ipsi de seipsis*," omits "in perpetuum," reads "unum majorem discretum et idoneum qui nobis fidelis et ad regimen civitatis predicti utilis existat" and after "amovere" ends "et illum vel alium eligere et presentare in forma predicta."

p. 374, l. 30. Prynne's date 1301 (above, p. xxxii) for this mandate perhaps after all belongs to an earlier issue, for after "mandamus" Twyne reads "sicut alias mandavimus." (Salter, *Munimenta* p. 11.)

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